

Also, a bill (H. R. 16459) granting a pension to Catherine Boyle; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 16460) for the relief of United States Marshal George B. McLeod; to the Committee on Claims.

By Mr. WHITLEY: A bill (H. R. 16461) granting a pension to Katherine Shaffer; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8752. By Mr. CLARKE of New York: Petition of the members of the Woman's Christian Temperance Union, Sherburne, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8753. By Mr. CRAWL: Petition of many citizens of Petaluma, Calif., favoring House bill 9994, for the purposes of furnishing Braille books for the adult blind; to the Committee on Education.

8754. Also, petition of many citizens of Los Angeles County, Calif., favoring the passage of House bill 7884, a bill for the exemption of dogs from vivisection; to the Committee on the District of Columbia.

8755. By Mr. CULLEN: Petition of the New York Tow Boat Exchange, submitting to Congress the necessity of early appropriation of funds to be applied to the acquirement, by purchase or construction, of such vessels and for the support of additional personnel, which in the judgment of the captain of the port is considered necessary to the effective administration of his office; to the Committee on Interstate and Foreign Commerce.

8756. By Mr. HICKEY: Petition of V. E. McClain and other residents of South Bend, Ind., urging the passage of an amendment to the World War adjusted compensation act, providing for immediate cash redemption of the soldiers' bonus certificates; to the Committee on Ways and Means.

8757. By Mr. KINZER: Petition of citizens of Lancaster County, Pa., favoring enactment of legislation providing for payment of adjusted-service certificates; to the Committee on Ways and Means.

8758. By Mr. McKEOWN: Petition of the Reynolds-Harjo Post, No. 125, of the American Legion, located at Okemah, Okla., urging passage of a bill providing for the payment in full of the adjusted-service certificates; to the Committee on Ways and Means.

8759. By Mr. MOONEY: Petition of Lincoln Civic Association, of Cleveland, urging the Congress of the United States to enact such laws and appropriation of funds as will prevent loss of property by its citizens; to the Committee on the Judiciary.

8760. By Mr. REED of New York: Petition of Woman's Christian Temperance Union, of Salamanca, Frewsburg, and Randolph, N. Y., urging the enactment of a law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

8761. By Mr. ROBINSON: Resolution of the American Legion Auxiliary, of Waterloo, Iowa, unanimously urging that legislation be passed for the Federal supervision of motion pictures, as in the Grant-Hudson motion-picture bill [H. R. 9986], signed by the president, Emma Balensifer, and the secretary, Mrs. Arline Brees, both of Waterloo, Black Hawk County, Iowa; to the Committee on Interstate and Foreign Commerce.

8762. By Mr. SANDLIN: Petition signed by ex-service men of Coushatta and Vivian, La., asking for payment of adjusted-service certificates; to the Committee on Ways and Means.

8763. By Mr. SELVIG: Petition of American Legion post, of Greenbush, Minn., urging passage of pending legislation for cashing of adjusted-compensation certificates at face value; to the Committee on Ways and Means.

8764. Also, petition of Bemidji Civic and Commerce Association, Bemidji, Minn., urging the enactment of House

bill 15600, to establish minimum levels for certain lakes in Minnesota; to the Committee on Rivers and Harbors.

8765. By Mr. SMITH of West Virginia: Petition of the Baptist Young People's Union, of West Virginia, by Miss Lulu Meadows, president, urging that Congress enact a law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

8766. By Mr. WELCH of California: Petition of citizens of the fifth congressional district, San Francisco, Calif., urging the enactment of House bill 7884; to the Committee on the District of Columbia.

8767. By Mr. WYANT: Petition of Scottdale Union, Woman's Christian Temperance Union (230 members), urging passage of Hudson bill regulating moving pictures; to the Committee on Interstate and Foreign Commerce.

8768. Also, petition of the Westmoreland County Woman's Christian Temperance Union, requesting support of the Sparks-Capper amendment to the Constitution cutting out approximately 7,500,000 unnaturalized aliens in making new apportionment for congressional districts, and requesting support of Hudson bill (H. R. 9986) providing for Federal motion-picture commission, to assure production of pictures of higher moral tone; to the Committee on Immigration and Naturalization.

8769. Also, petition of J. Howard Snyder Post, No. 781, Veterans of Foreign Wars, of Irwin, Pa., requesting support of Wright-Patman bill to provide for immediate payment in full of World War veteran's adjusted-service certificates; to the Committee on Ways and Means.

SENATE

THURSDAY, JANUARY 22, 1931

(Legislative day of Wednesday, January 21, 1931)

The Senate met in executive session at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Sheppard
Barkley	Fletcher	Keyes	Shortridge
Bingham	Frazier	King	Smith
Black	George	La Follette	Smoot
Blaine	Gillett	McGill	Steiwer
Blease	Glass	McKellar	Stephens
Borah	Glenn	McMaster	Swanson
Bratton	Goff	McNary	Thomas, Idaho
Brock	Goldsborough	Metcalf	Thomas, Okla.
Brookhart	Gould	Morrison	Townsend
Broussard	Hale	Morrow	Trammell
Bulkley	Harris	Moses	Tydings
Capper	Harrison	Norbeck	Vandenberg
Caraway	Hastings	Norris	Wagner
Carey	Hatfield	Nye	Walcott
Connally	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Partridge	Walsh, Mont.
Couzens	Hebert	Patterson	Waterman
Cutting	Heflin	Phipps	Watson
Davis	Johnson	Pine	Wheeler
Deneen	Jones	Pittman	Williamson
Dill	Kean	Reed	

Mr. WATSON. I wish to announce that my colleague the junior Senator from Indiana [Mr. ROBINSON] is necessarily absent on account of illness in his family. I will let this announcement stand for the day.

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANDELL] is absent because of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names; a quorum is present.

EUGENE MEYER

The VICE PRESIDENT. Under the unanimous-consent agreement the Senate will now proceed to consider the nomination of Mr. Eugene Meyer to be a member of the Federal Reserve Board.

The Senate, in executive session, proceeded to consider the nomination.

Mr. BROOKHART obtained the floor.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. BROOKHART. I yield.

Mr. JONES. I am very anxious to secure early action on the deficiency appropriation bill. Practically all the amendments that have been put on the bill are in the nature of provision for relief of unemployment between now and the 1st of July. It is estimated that the bill will provide for the employment of about 30,000 laborers who are now idle. I had intended to ask the Senate to consent temporarily to lay aside the consideration of executive business and to take up the deficiency appropriation bill. However, the leaders desire to dispose of the nomination of Mr. Meyer, and, of course, I am willing to conform to their wishes, so I shall not ask to take up the deficiency appropriation bill until the Meyer nomination is disposed of.

Mr. BROOKHART. Mr. President, I desire to move that this nomination be recommitted to the Committee on Banking and Currency for further consideration.

The VICE PRESIDENT. Does the Senator desire to be heard on that motion?

Mr. BROOKHART. Yes, sir; briefly.

Mr. President, the nomination which we are now considering has, in fact, to do with the most important economic position in our Government. When the nomination came before the committee I asked for an investigation of it, and a hearing, but that was denied. The nomination was reported without any hearing whatever.

I understand, in the first place, that it is the custom of the Senate to accord a hearing to any Senator who asks for it, and I feel that a hearing ought to have been granted in this case. Then, some things have happened since the nomination was reported to the Senate which I think call for a hearing and for a recommitment of the nomination for that purpose.

First, I desire to say that the chairman of the Committee on Banking and Currency of the other House has made a speech setting out facts which, if true, would certainly warrant the rejection of this nomination. Those facts have been brought out since the nomination was reported to the Senate. Again, other information has come to me in reference to Mr. Meyer's administration of the joint-stock land banks in particular that I feel sure would warrant a rejection of his nomination. In fact, charges have been made of direct conspiracy on his part to destroy some of those joint-stock land banks, and some of them have closed through his policy which would not have been closed but for his arbitrary action.

In addition to that, the chairman of the House Committee on Banking and Currency wrote a letter to the chairman of the Senate committee in which he specifically pointed out that Mr. Meyer, through his brother-in-law, an attorney for some members of Morgan & Co., secured the resignation first of Mr. Young, the former Governor of the Federal Reserve Board, in order to open a place for Meyer. A position of greater compensation was found for Mr. Young. Then, in order to get a place open under the law, it was also necessary to obtain the resignation of the vice governor of the Federal reserve bank, Mr. Platt, who lived in the New York, district, and a place was found for him by these same agents. In that way an opening occurred, so that Mr. Meyer's appointment might be legally made. In connection with that, I desire to read from an account in the New York Times of the 5th instant, which states:

Directors of the Federal reserve bank at New York held yesterday their first meeting since the return on last Tuesday of George L. Harrison, governor of the bank, from Europe, where he conferred with the heads of the Bank of England, the Bank of France, and the Reichsbank. The meeting was attended by Eugene Meyer, governor of the Federal reserve bank, and was protracted beyond the usual time. While the meeting was in progress J. P. Morgan entered the bank and asked to see Mr. Harrison. Mr. Morgan also returned from Europe this week. Owen D. Young, chairman of the General Electric Co. and director of the reserve bank, came back from Europe last week. While they were in London Mr. Morgan and Mr. Young were reported to have held several conferences with Mr. Harrison and Montague Norman, governor of the Bank of England—

And so forth. Those statements corroborate the claim of the chairman of the House committee of the close association of the Morgan interests and the attendance even of Mr. Morgan at a meeting of the board of directors of the Federal Reserve Bank of New York.

Mr. President, Mr. Meyer, as manager of the joint-stock land banks, put in operation its economic policy. He formulated a plan for the banks to buy their own bonds, to speculate, as it were, in their own bonds. That is not a new plan with Mr. Meyer. He did the same thing as head of the War Finance Corporation, and assisted by the Secretary of the Treasury speculated in Government bonds at the expense of the people who had paid 100 cents on the dollar for those bonds; and but for the profit derived from that speculation in Government bonds there would have been a deficit in the War Finance Corporation. Mr. Meyer followed the same policy in the joint-stock land banks, and set them to speculating in their bonds. They bought up the bonds, and here is the way they got the money with which to buy those bonds: The bank forecloses a mortgage which is in default—say, a \$10,000 mortgage on a \$20,000 farm—for the farm would have to be appraised at \$20,000 in order to secure a loan of \$10,000. Those bonds have depreciated in value as a result of that speculation; in fact, the purpose of the speculation was to depreciate them. They average, the president of the Federal land bank said, about 70 cents on the dollar now. Some of them are as low as 40 cents, some of them are even as low as 20 cents on the dollar. I know of one particular case where such bonds have been selling at 42 cents on the dollar. In that case a \$10,000 mortgage will be foreclosed on a \$20,000 farm. The farm may be put up at a forced sale, and if it brings \$4,200 in cash, then the bank can buy in \$10,000 of these depreciated bonds and save itself from loss because of the depreciation in the bonds. The sale of land at such low figures in the middle western section of the country is doing more to depress land values right now than any other one cause. Every time a \$20,000 farm sells for four or five thousand dollars land values in the immediate community are of necessity broken down, and the banks save themselves by breaking down the market and bidding in these bonds at a low figure. That is a general policy, except as to one or two of the banks that are able under their own management to keep their bonds at par.

The result of that policy is to liquidate these banks. That is not what they were organized for; they were organized to make loans to farmers, but this procedure liquidates the loans and the assets of the bank all the time, and it does so for the benefit of the stockholders and at the expense of the bondholders who put up the money, and of the farmers who sign the mortgages. That was the general policy, following the similar policy of speculating in Government bonds in the War Finance Corporation. I charge, Mr. President, that it was done for the purpose of deflating land values. I think Mr. Meyer is an economic genius, so far as that is concerned, and he knew exactly what it meant, whether anybody else did or not, and he figured out this plan for that purpose.

In addition to that evidence has been laid before me this morning of a direct conspiracy to cause the failure of some of the joint-stock land banks. Those who have furnished that information I know are reputable, and I believe the information to be genuine.

Mr. President, I not only asked for a hearing in the beginning, and was refused by the committee, but later, even after the nomination was reported and some of these new matters came to me, I asked again the chairman of the committee to let me examine Mr. Meyer before the full committee.

Then a subcommittee of the Senate Committee on Banking and Currency started investigating the general banking condition. Many of the things that I wanted to inquire about are material to that investigation. So I asked the subcommittee to permit me to appear before it and examine Mr. Meyer on anything that was material to the investigation being conducted by the subcommittee as well as any—

thing that I deemed material to the confirmation of Mr. Meyer.

Mr. McNARY. Does the Senator refer to the Committee on Banking and Currency?

Mr. BROOKHART. To the subcommittee of the Committee on Banking and Currency. That request was refused. Not only, Mr. President, was it refused, but after Mr. Meyer had been announced as first witness before that subcommittee and I appeared there they postponed hearing Mr. Meyer as a witness at all until after the vote on his confirmation here in the Senate. That, it seems to me, is a proceeding unheard of in the Senate of the United States. For those reasons I feel that I and the Senator from Florida and others who see the matter as I do ought to have a chance to develop these questions with reference to this subject.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, I have favorably known Mr. Meyer, the nominee, for many years. It has been my intention to vote, and no doubt I shall vote, for his confirmation, but if the Senator from Iowa has accurately recounted what took place before the committee it is one of the most astonishing episodes in the proceedings of Senate committees during the 19 years I have been here. I do not doubt the Senator's word, but it is difficult to believe that any committee of the Senate would refuse to any Senator the opportunity to ask respectful questions of any nominee. A refusal to do so seems to me so shocking that if I did not hear the statement from the Senator's own lips I would not believe that such could be true.

I speak these words as a supporter of the nominee, Mr. Meyer, whom I believe to be a gentleman of high character and ability; but if the episode as outlined by the Senator from Iowa actually took place, it is not to be tolerated. A Senator should have the right to ask any questions which he may see fit to ask within the limits of reason and decency.

Mr. BROOKHART. Mr. President, let us get the situation exactly right. I asked the chairman of the subcommittee [Mr. GLASS] and the chairman of the Banking and Currency Committee [Mr. NORBECK] to be permitted—

Mr. ASHURST. Will the Senator yield to one further question?

Mr. BROOKHART. I yield.

Mr. ASHURST. Is the Senator from Iowa a member of the committee?

Mr. BROOKHART. Not of the subcommittee, but I am a member of the full committee.

Mr. ASHURST. The Senator is a member of the committee to which this nomination was referred and which was actually considering this nomination?

Mr. BROOKHART. Yes.

Mr. ASHURST. I wish to say here that the great Committee on the Judiciary, of which I am a member, would not for an instant refuse any Senator, whether he was a member of the committee or not, the right to ask any questions of any nominee who appeared before that committee. I do not desire to be considered as censorious or critical, but as a supporter of the nominee, Mr. Meyer—and I expect to vote for him—I say that we are reaching a strange pass, a dangerous pass, in the Senate when a United States Senator who is a member of the committee to which a nomination is referred for consideration is denied the right to ask questions of that nominee.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. BROOKHART. I yield.

Mr. COUZENS. I wish to say as chairman of the Interstate Commerce Committee that we would not under any circumstances report out a nomination when a member of the committee had asked to examine the nominee. I can not comprehend the procedure in this instance. I take the same view as the Senator from Arizona. I do not wish to condone any such arbitrary action on the part of the chair-

man or on the part of any committee in denying a member of the committee itself a chance to examine nominees for public office.

Mr. WAGNER. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. I yield to the Senator from New York.

Mr. WAGNER. I fear there has been a misunderstanding as to just what the Senator from Iowa suggested.

A subcommittee is meeting now, as I understand, to look into our whole financial and banking structure. It was proposed to call Mr. Meyer as a witness before that subcommittee in relation to the matter that it was discussing. It had nothing at all to do with the question of the pending nomination. The subcommittee decided that it would not call Mr. Meyer as a witness at this point of its investigation. It was as a witness before the subcommittee that the Senator from Iowa asked the privilege of examining him.

May I ask the Senator whether I am correct in that?

Mr. BROOKHART. In part. Before that, I had asked for this hearing before the full committee. Then I asked for the subsequent privilege before the subcommittee, and said I would not go outside of the matters that were material in the subcommittee investigation. It was when I asked this last time that the subcommittee then, with Mr. Meyer present and announced as the first witness—and the committee said so—postponed any examination of Mr. Meyer as a witness until after this confirmation had been voted in the Senate.

Mr. WAGNER. Mr. President, will the Senator yield for another question?

Mr. BROOKHART. Yes; I yield.

Mr. WAGNER. When the Senator asked the permission of the full committee to summon Mr. Meyer before the committee for examination did not the committee take the attitude—that is my very distinct recollection of it—that the matter about which the Senator desired to examine Mr. Meyer had already been fully gone into by the committee when Mr. Meyer was before it on a previous occasion as a member of the Farm Loan Board? And did not the committee simply take the attitude that it did not care to rehear subject matter which had been fully heard, and about which Mr. Meyer had been thoroughly examined by all sides?

Mr. BROOKHART. Mr. President, part of the matters, they claimed, had been investigated; but at that time this reference to the resignation of Mr. Young and of Mr. Platt was all new material, and some of these matters in reference to the joint-stock land banks were new material; so it could not be decided solely upon the question that once before he had been examined on some of the things upon which I wanted to reexamine him. I have a great deal of new information about those old things that he was examined on before that we did not have at that time. No; I can not feel that there has been any hearing at any time upon this question, upon its real merits or anything like its merits.

Mr. PHIPPS and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Iowa yield; and if so, to whom?

Mr. BROOKHART. I yield first to the Senator from Colorado.

Mr. PHIPPS. Mr. President, while I happen to be a member of the Committee on Banking and Currency, my duties on the Appropriations Committee prevented my attendance at any of its recent meetings.

I recall the incident referred to by the Senator from New York [Mr. WAGNER], that the Eugene Meyer matter was gone into very definitely on a former occasion. It so happens that the subcommittee also referred to is in session this morning. I have sent a request for the chairman of the committee, the Senator from South Dakota [Mr. NORBECK], to attend the Senate, and I believe he will be here at the earliest possible moment. I think he should be present during this discussion.

Mr. LA FOLLETTE. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. BROOKHART. I yield.

Mr. LA FOLLETTE. I wish to ask the Senator from Iowa whether the charges made by Congressman McFADDEN, chairman of the Committee on Banking and Currency in the House of Representatives, and his request that those charges be investigated by the committee with reference to Mr. Meyer, were made following the original hearing before the committee on Mr. Meyer's confirmation, or before.

Mr. BROOKHART. Shortly after it had been reported here.

Mr. LA FOLLETTE. So the situation, as I understand it, is that the chairman of the Banking and Currency Committee in the House has made these charges on the floor of the House of Representatives, with the request that they be heard, and that they have not been heard by the committee of the Senate.

Mr. BROOKHART. That is correct; and then, in addition to making the charges on the floor of the House, he wrote a letter to the chairman of the Banking and Currency Committee of the Senate.

Mr. LA FOLLETTE. Has the Senator a copy of that letter?

Mr. BROOKHART. I think I have.

Mr. LA FOLLETTE. I think it would be very pertinent to this subject matter to have that letter read.

Mr. McNARY. Mr. President, who is on the subcommittee?

Mr. BROOKHART. The subcommittee is composed of the Senator from Virginia [Mr. GLASS], the Senator from South Dakota [Mr. NORBECK], the Senator from Ohio [Mr. BULKLEY]—

Mr. LA FOLLETTE. The Senator from New Mexico [Mr. BRATTON]?

Mr. BROOKHART. No; the Senator from New Mexico resigned, and the Senator from Ohio took his place. I forget who the other Democrat is. The Senator from Connecticut [Mr. WALCOTT] is on the committee, I remember.

Here is the letter. It is dated January 5, 1931:

JANUARY 5, 1931.

HON. PETER NORBECK,
Chairman Committee on Banking and Currency,
United States Senate, Washington, D. C.

DEAR SENATOR NORBECK: In connection with the confirmation of the pending nomination of Eugene Meyer, jr., to be a member and governor of the Federal Reserve Board, which was some days ago reported favorably by your committee, and is now, I understand, by agreement, to be voted on by the Senate on January 9.

Before this matter is finally passed upon, should not your committee and the other members of the Senate ascertain the circumstances leading up to this appointment and to the resignation of Roy A. Young as governor of the Federal Reserve Board and Edmund Platt as vice governor of the board?

At the time of the resignation of Governor Young, he was appointed governor of the Federal Reserve Bank of Boston. Simultaneously with the resignation of Vice Governor Platt from the board, he was made vice president of the Marine Midland group of banks, a new position created by this institution to fit the employment of Mr. Platt. I have been informed that the negotiations leading up to Mr. Platt's resignation and his appointment as vice president in charge of public relations of the Marine Midland group were largely conducted by Mr. Alfred A. Cook, a New York City lawyer, located at 20 Pine Street, who, I am told, is the brother-in-law of Eugene Meyer, jr., and Mr. George Blumenthal, who has long been a member of the international banking house of Lazard Freres & Co. I have already pointed out Mr. Blumenthal's activities with the French Government and J. P. Morgan & Co.

He did that in a speech, I believe.

Mr. Cook, I understand, is also attorney for the New York Times. It is perhaps needless for me to explain that the New York Times is probably the strongest exponent in this country of the type of internationalism which is leading gradually to our involvement in international financial and political affairs through the Bank for International Settlements and its use of our Federal reserve system through J. P. Morgan & Co., who are and represent the American stockholders in this bank.

I should like to restate here the expressed official position of this Government as set forth in the statement of Henry L. Stimson, Secretary of State, under date of May 16, 1929, in regard to participation by officers of the Federal reserve system in the Bank for International Settlements. I quote:

"In respect to the statements which have appeared in the press in regard to the participation of any Federal reserve officials in the creation or management of the new proposed international bank, I wish to make clear the position of this Government:

"While we look with interest and sympathy upon the efforts being made by the committee of experts to suggest a solution and a settlement of the vexing question of German reparations, this Government does not desire to have any American official, directly or indirectly, participate in the collection of German reparations through the agency of this bank or otherwise. * * * It does not now wish to take any step which would indicate a reversal of that attitude and for that reason it will not permit any officials of the Federal reserve system either to themselves serve or to select American representatives as members of the proposed international bank."

Notwithstanding this definite prohibition, officers of the Federal reserve system and of the Federal Reserve Bank of New York are continuing conferences and apparently collaborating with the officers of the Bank for International Settlements.

Under these circumstances the Senate and the country are entitled to have the full facts.

The position of governor of the Federal Reserve Board, as you know, at this time is one of the greatest positions of trust in the United States, and the procurement of an important position of trust like this should not be acquired in any doubtful manner.

If this appointment has been secured through such methods, the country is entitled to know it; and these facts, if established, are sufficient basis for the rejection of this nomination.

Do you not think the way to ascertain the truth is to call before your committee, prior to this confirmation, the following persons?

Hon. Roy A. Young, governor Federal Reserve Board of Boston;
Hon. Edmund Platt, vice president of the Marine Midland group of banks;

Mr. George F. Rand, president of the Marine Midland group of banks, Buffalo, N. Y.;

Mr. Alfred A. Cook, 20 Pine Street, New York; and Eugene Meyer, jr.

In further substantiation of what I am saying, I am inclosing copy of an address which I delivered in the House of Representatives under date of December 16, 1930.

I should also like to make it clear to you that in the delivery of this speech and in the writing of this letter I am not assuming to lecture or direct your committee or the action of the United States Senate. I am thoroughly aware of the impropriety of such a course. What I am saying in this letter, and what I have said in the inclosed speech, is on my own responsibility as a Member of the House of Representatives. Because of the fact that I am so much concerned about the future welfare of the Federal reserve system on account of its effect on the people in the United States, I am forced to resort to the only method at my command to bring this to the attention of those who have the responsibility now before them of the confirmation of this appointment.

Respectfully yours,

L. T. McFADDEN.

Mr. COUZENS. Mr. President, will the Senator yield at that point?

Mr. BROOKHART. I yield; yes.

Mr. COUZENS. Was that letter read before the Banking and Currency Committee after the nomination was reported out?

Mr. BROOKHART. It was addressed to the chairman of the committee. It is not to me. The letter is to the chairman of the committee, and a copy was sent to me.

Mr. COUZENS. I understand; but the Senator is a member of the committee, and I ask, Was this letter submitted to the membership of the committee?

Mr. BROOKHART. I doubt that. I do not believe it was in any formal way. It might have been, but I do not remember it.

Mr. FLETCHER. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Florida?

Mr. BROOKHART. I do.

Mr. FLETCHER. As I understood, the Senator from Michigan asked whether this letter came in after the nomination had been reported out of the committee.

Mr. COUZENS. The Senator from Michigan asked if this letter was submitted to the whole membership of the Banking and Currency Committee.

Mr. FLETCHER. I do not know as to that. It was sent to the chairman of the committee, but it came there; and if copies were sent to the members of the committee—I got a copy—they came after the nomination had been reported to the Senate. The letter was never considered by the full committee.

Mr. BROOKHART. Mr. President, again in connection with this letter, I want to reread this New York Times state-

ment on December 5, and notice the connection with the letter. It says:

While the meeting was in progress—

This was the meeting of the Federal Reserve Bank of New York—

J. P. Morgan entered the bank and asked to see Mr. Harrison.

He is the governor of the bank.

Mr. Morgan also returned from Europe this week. Owen D. Young, chairman of the General Electric Co. and director of the reserve bank, came back from Europe last week. While they were in London Mr. Morgan and Mr. Young were reported to have held several conferences with Mr. Harrison and Montague Norman, governor of the Bank of England.

And there is much more along the same line.

Under all these circumstances, Mr. President, I do not think the United States Senate ought to proceed with the consideration of this nomination until these matters are fully and fairly investigated. I say this is the most important economic position in all our Government. It has more to do from day to day with the welfare and the prosperity of all of the people of the country than any other position in the Government. Yet, in the face of these charges and of these circumstances, the Senate is asked to proceed without even an investigation of any kind, and that when it is demanded openly by the members of the committee and by other Senators.

Mr. METCALF. Mr. President, I hope the action asked by the Senator from Iowa will not be taken. We all know the record Mr. Meyer has made. We all know what he has done in the positions of trust which have been given him, and when this Government can get a man of his great attainments to take such a position as this our country is indeed fortunate.

Charges have just been made which Mr. McFADDEN made in his speech in the House. I have before me the reply which Representative LUCE made. I will not ask to have this again put in the RECORD, but I should like to read small portions of it. Mr. LUCE said:

Mr. Chairman, yesterday the chairman of the Committee on Banking and Currency [Mr. McFADDEN] took the floor to discuss certain questions of finance. I wish to say that the propositions he advanced have not been considered by the Committee on Banking and Currency, of which I am a member.

Then he stated:

In the first place, the chairman undertook to advise the Senate as to its course on the nomination of Eugene Meyer to the Federal Reserve Board. The Speaker of the House last spring in ruling upon a point of order as to the parliamentary situation in such a contingency decided that this must be left to the judgment and conscience of each Member of the House. It is, however, still the parliamentary law, laid down in Jefferson's Manual, that Members of one body shall not concern themselves as to the proceedings of the other body.

But inasmuch as Eugene Meyer has been attacked on this floor, answer should be made on this floor.

Eugene Meyer was chairman of the War Finance Corporation. I differed with his judgment as to whether it should be continued. His view prevailed. He performed his duties well on that occasion and he did the country an inestimable service. [Applause.]

That is what Mr. LUCE said on the floor of the House.

I am sorry Representative McFADDEN's name has been used in connection with this matter. I shall not make any direct reply to him, but I send to the desk and ask to have read what the American Banker said in regard to some of his financial actions.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk proceeded to read.

Mr. JOHNSON. Mr. President, I rise to a parliamentary inquiry. I am not interested in any controversy with Mr. McFADDEN or in anything which may be said in respect to personalities; but I would like to see the rule which has prevailed in the Senate, and which is a part of our written rules, observed, and I inquire of the Senator whether this is an assault upon a Member of Congress.

Mr. METCALF. Mr. President, it criticizes him in connection with some of his banking ideas. It is not an assault on him in any way.

Mr. JOHNSON. I do not know what the article is, and, of course, if it does not infringe the rule, I do not wish to object.

Mr. METCALF. I would be quite willing to have the Senator from California read it; and if he thinks it is not proper, I shall be most happy to withdraw the article.

Mr. JOHNSON. No; I am satisfied with the statement of the Senator that it contains no personal assault.

Mr. METCALF. This was a public article; it was not private in any way.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk resumed and concluded the reading of the article, which is as follows:

LOUIS T. McFADDEN, INVESTMENT TRUST CHAIRMAN

Coincident with the announcement that he was assuming the chairmanship of the board of Transcontinental Shares Corporation, LOUIS T. McFADDEN, chairman of the House Committee on Banking and Currency, issued a discussion of banking matters which has startling implications, although its intention is not entirely clear.

Congressman McFADDEN's statement, issued as part of the publicity concerning his new business affiliation, was as follows:

"In many States the banking laws are such as to give State banks and trust companies a distinct advantage over national banks. In the matter of investment powers there is need for a much more liberal policy if our national banks are to compete on a favorable basis with institutions operating under State charters.

"The industrial life of the country, as well as its transportation facilities and its gas and electric systems, have expanded far beyond any concept the framers of the national banking act could have had. During this period of development there have been reared corporations whose stability of income, ability to pay dividends year after year without interruption, and whose capital structure are such as to give a prime investment rating to their junior securities.

"I believe the time is not far distant when legislation designed to open this field to the national banks may be considered. Such a policy would have the effect of minimizing the fluctuations of the banks' secondary reserve investments.

"It will, of course, be necessary to surround such investments with the same safeguards required for the investment of savings and trust funds.

"It is conceivable that investment trusts, similarly safeguarded, may eventually constitute an admirable source for the investment of bank funds, thus providing the safety and stability of a broad diversification into many industries in all sections of the country."

Mr. FLETCHER. Mr. President, may I ask the Senator the date of this article?

Mr. METCALF. I will ask the clerk to read the date.

The VICE PRESIDENT. The clerk advises the Chair that he does not find a date on the article.

Mr. METCALF. I will try to get the date and give it to the Senator.

Mr. President, in the case of the appointment of Eugene Meyer as governor of the Federal Reserve Board we have a man not only with unusual character and proven ability but a man who has also, by 13 years of public service, demonstrated an ability to fit himself into a Federal environment. It is wrong for the Senate to subject men of this caliber to unfair criticism and denunciation.

Eugene Meyer left his private banking connections in 1917 to accept public service with the Council of National Defense and soon afterwards with the War Industries Board. These were arduous and thankless positions, which he filled with credit to himself and honor to the Government. He has already earned in private business a reputation for honesty and vigor, soundness in thought, and promptness and thoroughness in activity.

When he came to Washington, in 1917, Eugene Meyer was given, with the War Industries Board, the task of advising the Government on the matter of the use of nonferrous metals in time of war. He immediately set himself to prevent as far as possible the evil of profiteering in a time of national emergency. The degree to which he was successful was later to mark him one of those outstanding thinkers who so unselfishly devoted themselves to patriotic service at a time of public need. He was greatly concerned during that period with the important commodity of copper.

Mr. Meyer made an appeal to the patriotism and loyalty of the copper interests to the country, and secured the purchase of more than 45,000,000 pounds of copper at a little

more than 16 cents per pound, at a time when spot copper was selling for as high as 37 cents per pound. The service of Mr. Meyer as chief of the nonferrous-metals section of the War Industries Board immediately marked him a far-sighted and unselfish public servant. His unusual strength of character and unusual ability made of him a director of the War Finance Corporation in March, 1918.

Mr. Meyer's service with the War Finance Corporation has been reviewed in this body on numerous occasions. His record is not only a tribute to the man as a banker and public servant, but as well is an outstanding example of perfection of organization in a Government agency. The War Finance Corporation has recently reached the final stage of liquidation, and is closing, after 12 years, a career of service to the United States which has been unequalled in soundness of policy and efficiency in the annals of this country.

The original purpose of the corporation was to give financial support to industries whose operations were necessary or contributory to the prosecution of the war, as well as to the banking institutions which aided in financing such industries.

In order that the corporation might assist in transition from war-time conditions to those of peace, it was authorized by act of Congress in 1919 to assist American exporters and American bankers who extended credit to finance American exports. The activities of the corporation were discontinued in 1920, but a short time later, in January, 1921, the Congress directed the corporation to resume operations. When agricultural conditions became acute in that year it played a prominent part in stabilizing organizations devoted to the service of agriculture.

When the War Finance Corporation was created it was intended that the Government should suffer no loss from its operation. That was a tremendous responsibility to place upon the shoulders of a group of men. The corporation necessarily dealt with an emergency situation and with an unusual condition in agriculture in 1921. It would seem to be an almost superhuman accomplishment for the corporation to deal with its unusual problems without entailing losses of great importance. However, in his report printed February 12, 1930, Secretary of the Treasury Mellon stated that all but \$10,000 out of \$500,000,000 in capital stock of the War Finance Corporation had been retired at par, in addition to which over \$64,000,000 has been retired into the Treasury to reimburse the Government for the cost of money used by the board.

It would seem that the appointment of Mr. Meyer as governor of the Federal Reserve Board is most opportune. With the Nation facing recovery from a most acute economic situation, there is need for stability and soundness in the direction of the affairs of our national finances. The Federal Reserve Board is more or less the great flexible link between the banking and currency system of the United States and the business and agricultural interests of the United States. His long and successful service with the War Finance Corporation has proven Mr. Meyer to have a thorough understanding of the relationship between the industrial and agricultural interests and the banking system of the United States. He has guided the War Finance Corporation and the Federal Farm Loan Board through an era of crises. I believe there is hardly another man in American life who could have shouldered that great responsibility with the success which has accompanied his every effort to carry out the intent of Congress and maintain soundness and confidence in the economic endeavors with which he was charged.

I want to refer to some of the newspaper notices which have been printed in regard to Mr. Meyer. Here is one from the Farmer, published in St. Paul, dated September 30, 1930, applauding the wisdom of President Hoover in his selection of Mr. Meyer from the standpoint of agriculture. I have another one from the Chicago News and Journal regarding the appointment of Mr. Meyer, speaking in the highest terms of him. Here is another one from the Nebraska Farmer, from which I quote, as follows:

MEYER STRENGTHENS RESERVE BOARD

The appointment of Eugene Meyer as governor of the Federal Reserve Board will bring to that important official body a man whose outstanding financial ability and sympathetic interest in agriculture should insure just consideration of the problems of farmers in matters of national finance. Mr. Meyer has a very distinguished record in Government life, having been called upon to serve in official capacities under four Presidents; first, as head of the War Finance Corporation during the war and later when it was revived to serve agriculture in the serious depression of 1920 and ensuing years; second, as head of the Federal Farm Loan Board under President Coolidge, to bring order and efficient operation to a system that had ceased to function at its best, and now under President Hoover, to head the Federal Reserve Board in directing the most important financial structure of the country.

Mr. Meyer, despite opposition, has made an enviable name for himself in the capacities in which he has previously served his country, and his job in neither case was easy of solution. It is particularly significant that while director of the War Finance Corporation, the huge sums loaned to farmers all over the country were repaid in good time and without a dollar of loss to the Government. True, he is conservative and cautious, but that is good business, especially in matters financial.

Through Mr. Meyer's work in the War Finance Corporation and on the Federal Farm Loan Board he has had opportunity to make a thorough study of the financial problems of the farmer, and, because of his knowledge of the farm problem and his interest in cooperative marketing, he will be in a position to serve agriculture well in his new work. We have confidence in Mr. Meyer's outstanding ability and hope that his appointment will have speedy confirmation.

I invite attention to an item appearing in the St. Paul Pioneer Press, which also applauds the selection of Mr. Meyer; another one from the Montana Standard of September 6 highly lauding Mr. Meyer as a friend of Montana and discussing his work with the War Finance Corporation. I have another one from that great newspaper, the New York Times, which is too long for me to read, but which speaks in the highest terms of Mr. Meyer. It makes special reference to his services with the War Finance Corporation. It refers to the fact that Mr. Baruch was head of the War Industries Board. Mr. Baruch has known Mr. Meyer a long time and intimately as a friend and co-worker. Mr. Baruch's opinion of the new governor is given in an interview, from which I quote:

"You can say for publication," Mr. Baruch remarked, "that if the President had taken a thousand good men and rolled them into one he could not have chosen an abler man or one better fitted for the governorship of the Federal Reserve Board. Mr. Meyer is the best man in the country for that post."

Mr. President, I hope we will not recommit the nomination to the committee, but that we will confirm it. I have before me a great many letters with reference to the matter which have already been published in some of the hearings of the Senate committee. I shall not take the time now to read them or refer to them further. I sincerely hope that we will confirm the nomination of this man who is one fitted as no other man that I know of for the position to which President Hoover has appointed him.

I ask permission that the several newspaper items to which I have referred may be printed in the RECORD at this point in connection with my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the Farmer, St. Paul, Minn., September, 1930]

NEW HEAD FOR FEDERAL RESERVE

Announcement was made last week of the appointment of Eugene Meyer, jr., as governor of the Federal Reserve Board, which supervises the activities of the Federal reserve banks throughout the United States. Mr. Meyer succeeds Roy Young, formerly of the Minneapolis Federal Reserve Bank and later governor of the Federal Reserve Board, who now goes to one of the regional banks.

Since 1917 Mr. Meyer has been in the public service, first as the head of the War Finance Corporation and then as the head of the Federal land-bank system. Before entering the public service Mr. Meyer was one of the outstanding financiers of the country. In his work on the War Finance Corporation and on the Federal Farm Loan Board Mr. Meyer on numerous occasions rendered very noteworthy service to agriculture. He probably has a more intimate knowledge of the financial needs of agriculture than any other single banker in the United States.

We believe that President Hoover made a very wise selection in choosing Mr. Meyer for this very important position. The appointment will doubtless be opposed by certain politicians and by certain bankers who may fear the positive and aggressive characteristics of Mr. Meyer, who has no ax to grind and who will conduct his office from the standpoint of efficient public service.

We believe that this is a fortunate appointment from the standpoint of agriculture, because Mr. Meyer's intimate knowledge of both agriculture and banking may help to avert the Federal reserve banks from running amuck to the great detriment of agriculture as they did at the time drastic deflation was thrust upon agriculture.

[From the Washington Post, September 18, 1930]

Calvin Coolidge says: "The business interests of the country in both the industrial and agricultural lines will find much encouragement in the appointment of Eugene Meyer, Jr., as governor general of the Federal reserve system. He is not only a banker of wide experience, but also a very successful business man with about 12 years of public service in Washington. His work as chairman of the War Finance Commission for agricultural and industrial rehabilitation laid the foundation for the revival which began eight years ago.

The Federal reserve system was created to serve the business of the Nation. Without it the war could not have been financed. By providing a safe and certain source of credit to member banks it makes more stable and liquid the resources of the whole country. While individual banks may suffer from misfortune or bad management, no one has any lack of confidence in the soundness of the currency system of the Government or the banking system of the people. When these are correctly used they support and encourage our productive activity. They are of great benefit to the farmer and the wage earner. We can now expect to see these great powers used for that purpose.

[From the St. Paul Pioneer Press, September 8, 1930]

EUGENE MEYER'S APPOINTMENT

The appointment of Eugene Meyer, the forceful chief of the War Finance Corporation and former chairman of the Federal Farm Loan Board, to succeed Roy A. Young as governor of the Federal Reserve Board is one of the most important acts of President Hoover's administration. Banking and business worlds have awaited disclosure of the President's selection, not only for its possible significance for the future leadership of the administration in fiscal matters, but more especially because of its meaning for the Federal reserve system itself.

The appointment of Mr. Meyer, who has been identified with the President's group, may foreshadow the beginning of the end of Secretary of the Treasury Mellon's domination over Federal fiscal policies, and the introduction of Hoover policies. Mr. Meyer belongs to a section of banking thought which has not always seen eye to eye in recent years with the Treasury on management of the Federal reserve system. It is possible that his accession to the governorship of the board will mean a new phase in Federal reserve banking.

Coming as it does partly as an answer to criticism of the Federal Reserve Board from both technical economists and practical bankers, this prospect of change is welcome. There has been a growing sentiment that the Federal reserve system has failed to realize to the fullest its potentialities as a directive factor over economic movements, and that it has in fact been diverted to some extent from the original line marked out for it. This has been partly due to the neutral rôle assumed by the Federal Reserve Board. The board has failed or refused to establish itself as a positive force. It has been criticized for failure to adopt a strong coherent policy and then to proceed consistently along the line.

The appointment of Eugene Meyer, a man of high standing in finance and a character of force and determination, may mean more banking and less politics in the Federal Reserve Board. This does not necessarily imply any undue tampering or meddling with the 12 regional banks, which would be as unwise as it is unnecessary. The regional banks should be, on the whole, the most competent to determine what policies are best for their own individual sections. The kind of leadership open properly to the board is not the absolute dictation of orders to the regional banks, but that charting of general courses and exerting of influence for balanced and harmonious action which a strong and able central board should be in position to supply.

It may, however, be taken for granted that Mr. Meyer's appointment will be opposed in the Senate, first rate though it is. Opposition is already expressed by Senator BROOKHART, of Iowa. More will probably follow. Some of this will proceed from fear of placing a strong man at the governorship of the reserve board. But much will be the result of a certain bitterness remaining from the long fight over the McNary-Haugen bill, which Mr. Meyer energetically opposed. He has since been accused of unfriendliness to agriculture, a charge which his efficient administration of the Federal farm land-bank system should soften. The Federal Reserve Board needs a strong guiding hand. Mr. Meyer is well qualified to supply it. This is as important to agriculture as to any other economic branch.

[From the Montana Standard, Butte, September 6, 1930]

A FRIEND OF MONTANA

Eugene Meyer, financial genius of the highest luster, who will succeed Roy A. Young as governor of the Federal Reserve Board, is peculiarly well equipped to take up the Nation's financial-industrial problems. The West witnesses his appointment with satisfaction. He has the confidence of the Northwest by virtue of past performance. Mr. Meyer is more than a financier. He is a man of practical turn of mind and thorough familiarity with the methods

of business in every major line of industry. Moreover, he has unbounded faith not only in the ability of the East and its vast manufacturing interests to right itself, but he knows the West and its developing industries as thoroughly as any man who ever was called to high position and tremendous responsibility in Washington.

Mr. Meyer was one of those governmental representatives sent to the West nearly 10 years ago to determine the cause of the convulsions that then were afflicting this region of closed banks, frozen assets, and woefully impaired credit. At that time Mr. Meyer was head of the War Finance Corporation. A western man himself, Eugene Meyer knew the West. He knew the indomitable will of the western people. He knew that there was no such word as "bust" in the vocabulary of the West. He came to Montana and he came to Butte. He determined to pour the funds of the War Finance Corporation into this State. He made a recommendation for like action to the Federal reserve bank.

Within a very short time the frozen assets of the Northwest, consisting of farm loans, livestock mortgages, and similar credits, were laid aside for thawing out. Men no longer were forced to sacrifice all the work of a lifetime to satisfy notes that were as good as gold but could not be settled at the moment. Together the Federal reserve bank and the War Finance Corporation poured some \$22,000,000 of new credit into Montana. Small rural banks which had stood by their communities to the limit of their resources were tided over. Harvest and crop movements were financed. The livestock industry, most bitterly tested, was given aid.

There were men in the Government service and in many great eastern banks who believed it was all wrong. They had no faith in the Northwest. They believed the Federal reserve and the War Finance Corporation had foolishly sunk tremendous Government funds here that would never be recovered. Eugene Meyer was not among them. He knew the West and his faith never wavered. He was concerned only in the task of finding the means to extend credit to all banks and all communities which were justly entitled to such assistance.

The answer to it all constitutes one of the most glorious pages in the book of Montana's achievements. With all the talk of abandoned farms, agriculture gone to ruin, of broken banks, and blasted hopes, Montana made an about face and a recovery which confounded her critics and astounded those who were studying her in her time of stress. Of all those millions of credit poured in here when the Nation seemed to doubt that we had a throbbing, pulsating, living Commonwealth, not a single dollar was lost either to the Federal reserve bank or the War Finance Corporation. Every loan long since has been paid back and with interest; and quickly after those days of little faith Montana astonished the Nation with her progress and production in agriculture.

The highest degree of faith ever reposed in Montana by one not a Montanan was that faith expressed in this State by Eugene Meyer, who counted not the millions required but considered only the problem of getting them here quickly over the opposition of those who had no faith. Montana justified the faith of Eugene Meyer. Its industries found in him an understanding friend. The country at large will find that as governor of the great Federal Reserve Board his understanding of the legitimate needs and requirements of business and industry will speed the solution of many perplexing problems.

Mr. BROOKHART. Mr. President, I want to invite the attention of the Senator from Rhode Island to a small part of Mr. Meyer's record. I believe there is a vastly different view of that record to be taken by one who lives in the first Federal reserve district than if he were living in the seventh district where I live. I have here a tabulation of the bank failures in the first Federal reserve district, which includes Rhode Island, from 1863 to 1920. That is up to the date of the famous or infamous, we might call it, deflation meeting on May 18, 1920.

In the first district there were 32 bank failures in the 57 years, or 0.56 of a bank per year, or 1 bank about every two years. That famous meeting was held, and afterwards in the next seven years there was only one bank failure in that district, or 0.13 of a bank per year. In other words, the bank failures were reduced in the New England district by about 75 per cent.

What happened in the seventh district where I live? At the same time this magnificent record was made for Rhode Island here is what happened to my people: From 1863 to 1920 there were 67 banks failed in the Chicago district. That is 1.17 banks per year. From 1920 to 1927, the next seven years, there were 81 banks failed in that district, an increase of more than 900 per cent.

I want to call the attention of the Senator from New York [Mr. WAGNER], who is supporting Mr. Meyer in this matter, to a similar situation in the New York district. The second Federal reserve district from 1863 to 1920 had 62 bank failures, or 1.09 banks per year. In the next seven years there were only two banks failed in the New York dis-

trict, or 0.26 bank per year, or one bank in four years, which means that the bank failures were reduced about 75 per cent in the New York district, while at the same time they were increased 900 per cent in the seventh district, where I live.

Then we come to the fourth district, Cleveland, and find that the figures are reversed. The failures increased by 50 per cent. In the fifth district, including Virginia and North and South Carolina, they increased nearly 1,000 per cent. In the sixth district they increased about 300 per cent. In the seventh district, as I have said, which is my own district, the bank failures increased about 900 per cent, in the eighth district about 300 per cent, in the ninth district about 2,500 per cent, in the tenth district about 1,200 to 1,400 per cent, in the eleventh district more than a thousand per cent, and in the twelfth district about 800 per cent.

Mr. President, the War Finance Corporation, in charge of Eugene Meyer, cited by the Senator from Rhode Island as a part of his magnificent record, was a special institution set up to take care of us, not Rhode Island and not New York. It was to assist the farming districts. Following that, Mr. Meyer was made president of the Federal Land Bank, which includes the joint-stock land banks and which includes the intermediate credit banks. Up until recently he managed the whole financing situation for agriculture.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Florida?

Mr. BROOKHART. I yield.

Mr. FLETCHER. The Senator must mean that Mr. Meyer was made a member of the Federal Farm Loan Board or the farm loan commission of the Farm Loan Board. It is not the Federal land bank.

Mr. BROOKHART. What was his title?

Mr. FLETCHER. He was commissioner and member of the Farm Loan Board. He was practically chairman of the Farm Loan Board.

Mr. BROOKHART. He was in charge of those institutions so far as one man can be under the law. He held the highest position.

Mr. WAGNER. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. I yield.

Mr. WAGNER. Would it interfere with the Senator if at this time I have read some resolutions which were adopted by the presidents of the Federal land banks on October 1, 1929, at their meeting in the city of Washington in relation to the services Mr. Meyer had rendered?

Mr. BROOKHART. Who was it adopted the resolutions?

Mr. WAGNER. The presidents of the Federal land banks.

Mr. BROOKHART. The presidents of the Federal land banks are men whom Eugene Meyer has given positions with big salaries. He ran out every one of them who did not act to satisfy him, so the Senator can have the resolutions inserted in the Record if he wishes to do so.

I want to appeal to the Senator from New York, if he wants to act unselfishly, which the Senator from New York always does. He would be perfectly satisfied with this record of Eugene Meyer in New York. It is a magnificent record for New York and for the New York Federal reserve district. But when I find that only one bank failed in four years in that district and then find that 900 per cent more banks failed in the Chicago district than during the previous period, and that in the latter district Eugene Meyer had charge of the financing for agriculture, and that most of the banks that failed were agricultural banks, then I must doubt the magnificence of his record. I want to ask the Senator from New York if, in all fairness, he thinks I ought not to have the right to investigate the cause of that discrepancy in the situation where the man in charge of the situation is asked to be confirmed now as head of the biggest financial institution of all. I pause for the Senator to reply.

Mr. WAGNER. Mr. President, I did not understand the Senator's question. I was not listening as attentively as I should.

Mr. BROOKHART. On the record which I have presented there is no complaint against Mr. Meyer in New York. But in Iowa the bank failures increased 900 per cent more than in New York since he took charge of our agricultural financing in the country. Does not the Senator think that I, as an Iowan, ought to have the right to investigate the cause of that discrepancy?

Mr. WAGNER. In the first place, the Senator from Iowa is one of the very few men in the country who denies the great service which Mr. Meyer rendered to the agricultural interests of the country. If he will take the trouble to read the agricultural press and statements of those speaking with authority, he will find that their opinion is that he rendered extraordinary service to agriculture, which redounded to its welfare.

As to the inquiry, I might say that the Senator from Iowa, in an inquiry held by the Committee on Banking and Currency, went over the whole subject of Mr. Meyer's part in the War Finance Corporation. A thorough investigation was made which covered many days and in which the Senator was at liberty to ask questions as long as his physical endurance would permit. As a result of that investigation the committee almost unanimously approved and the Senate almost unanimously confirmed Mr. Meyer.

Another inquiry would mean a rehash of this whole subject matter which both the committee and the Senate have thoroughly investigated.

Mr. BROOKHART. I asked the Senator a specific question, which he has very skillfully avoided. Does he deny the difference in the situation in New York and in the West as disclosed by the record I am reciting?

Mr. WAGNER. I do not know anything about the record, and I do not know the reasons for the failure of the banks to which the Senator has referred. That is a subject which would have to be inquired into. A mere reading of the record does not establish anything.

Mr. BROOKHART. If the Senator knew the reasons for the bank failures in the West, in the agricultural States, he would favor this investigation. When he makes that admission he has given the best argument why he himself ought to investigate Eugene Meyer.

Mr. WHEELER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. BROOKHART. I yield.

Mr. WHEELER. I have not had the benefit of listening to the Senator's entire argument, but do I understand the Senator from Iowa complains that he asked the Committee on Banking and Currency to request Mr. Meyer to be brought before it in order that he might be permitted to ask certain questions and that his request was refused?

Mr. BROOKHART. Yes; that was the first thing that was done. Instead of doing that, there was a motion to report the nomination favorably.

Mr. WAGNER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. Yes.

Mr. WAGNER. I do not want constantly to reiterate the reason which actuated the committee at the time, but I think the Senate ought to know it. The committee took the position that they had already examined fully and completely into the matter about which the Senator from Iowa wanted to make another inquiry, and it was for that reason the request was denied.

Mr. BROOKHART. The Senator from New York will concede that I myself took the position that the committee had not done that.

Mr. WHEELER. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. BROOKHART. I yield.

Mr. WHEELER. Let me say that I do not believe the Committee on Banking and Currency, with all due respect to that committee, when a Senator comes to them and wants to have some man brought before the committee should refuse

to comply with that request. I think when a Senator comes before any committee and asks that he be given the privilege of having a nominee called before them and they refuse, they are not doing their full duty with respect to the matter. I think that any committee of the Senate, whether the Banking and Currency Committee or any other committee, ought to extend that privilege to any Senator and that a Senator is entitled to that courtesy.

Mr. NORBECK. Mr. President, will the Senator yield to me for a short statement?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota for that purpose?

Mr. BROOKHART. I yield.

Mr. NORBECK. With the other four members of the subcommittee conducting a general investigation into the banking situation I have been absent from the Senate considerably and so was not present to hear the remarks made by the Senator from Iowa. As soon as I have an opportunity to read the notes of the reporter I will then make a statement regarding the matter, and I want to say at this time there is more to it than has been disclosed.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. The Senator from Alabama.

Mr. HEFLIN. The fact that the committee has interrogated a witness along certain lines is no reason why a United States Senator, and especially a member of the committee, may not be allowed to interrogate the witness. I never heard of such procedure in my life. Now, I submit that it does not look well—

Mr. NORBECK. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. HEFLIN. I yield.

Mr. NORBECK. I suggest that the Senator withhold his conclusions until he knows the facts.

Mr. HEFLIN. I want to get at the facts.

Mr. NORBECK. I have just announced to the Senate that they will be given after a while.

Mr. HEFLIN. Yes; I hope they will be given; I hope my friend from Iowa will keep on being enthusiastic and energetic until he gets them.

Mr. President, the way this matter stands now, I am going to vote to recommit this nomination to the committee and to permit the Senator from Iowa to interrogate Mr. Meyer and go into any phase of this matter that he wants to go into. It is a very serious thing to select a man to be put at the head of the great Federal Reserve Board; it is a very grave affair. The people of this country are much interested in this nomination. The governor of the Federal Reserve Board has tremendous power, and we ought to have the very best man we can obtain to fill that position. If Mr. Meyer has connections that would hamper him and disqualify him in this position the Senate ought to know it; at least we are entitled, and the Senator is entitled, to inquire of Mr. Meyer about any phase of this matter that he wants to inquire about.

It looks strange to me that the question is closed, while a great Senator, an able Senator, a Senator who has rendered great service to his country, especially to the masses of the people, is fighting to obtain the facts. He wants to make inquiry; he wants to get the facts to present to the Senate, and it looks to me like he ought to be permitted to do that.

I submit, Mr. President, that the friends of Mr. Meyer who are pushing the fight for his confirmation had better submit to the request which has been made and let the nomination go back to the committee so that all the facts may come out. I think in the interest of fair play and common justice to the Senator from Iowa and to the people of the Nation, who are certainly interested in the matter as to who shall be governor of the Federal Reserve Board, that all the facts should come out. I think it is strange, indeed, that when a Senator, a member of the committee, asks to interrogate a witness along certain lines, some one else suggests he can not do that and says, "We have already interrogated him." It may be that the interrogations have been put by somebody who was friendly, by

somebody who did not want to go into certain things. It may be that he did not have the facts; that he did not have the angle that the Senator from Iowa has. It is strange, indeed, that the question should be closed and the nomination reported to the Senate without giving a Senator every opportunity to go into the facts. I submit again, as this matter stands, I am going to vote to recommit the nomination to the committee in order to give the Senator from Iowa the opportunity he desires.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Sheppard
Barkley	Fletcher	Keyes	Shortridge
Bingham	Frazier	King	Smith
Black	George	La Follette	Smoot
Blaine	Gillett	McGill	Stelwer
Blease	Glass	McKellar	Stephens
Borah	Glenn	McMaster	Swanson
Bratton	Goff	McNary	Thomas, Idaho
Brock	Goldsborough	Metcalf	Thomas, Okla.
Brookhart	Gould	Morrison	Townsend
Broussard	Hale	Morrow	Trammell
Bulkeley	Harris	Moses	Tydings
Capper	Harrison	Norbeck	Vandenberg
Caraway	Hastings	Norris	Wagner
Carey	Hatfield	Nye	Walcott
Connally	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Partridge	Walsh, Mont.
Couzens	Hebert	Patterson	Waterman
Cutting	Hefflin	Phipps	Watson
Davis	Johnson	Pine	Wheeler
Deneen	Jones	Pittman	Williamson
Dill	Kean	Reed	

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Iowa to recommit the nomination of Mr. Meyer to the Committee on Banking and Currency.

Mr. NORBECK. Mr. President—

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. NORBECK. Mr. President, I regret that I was not in the Chamber when the remarks were made about the supposed action of the Committee on Banking and Currency.

I have no quarrel with my good friend the Senator from Iowa [Mr. BROOKHART]. I recognize his honesty, and I admire his courage. I am not going to say that he is not within his rights if he asks that the nominee come before the committee to be questioned. I do not challenge that. I simply want to get the record clear in the matter; and the record is that the Senator from Iowa has attended committee meetings very regularly, and on no occasion has he made a motion to call Mr. Meyer before the committee. Therefore, we have no official record on the question.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. NORBECK. Certainly.

Mr. BROOKHART. Is it not true that I asked the committee at the first session for a hearing, and then some member made a motion to report it, and that motion was carried?

Mr. NORBECK. That is true. The Senator talked informally about having Mr. Meyer come before the committee; but he never pressed the matter, and so the other motion was made and carried. It is further true that the Senator has talked to me about it at different times, and I have never taken the position that he was not entitled to a hearing on the matter. The Senator even asked me whether a majority of the committee would support him, and I said I did not know. He then asked me whether the committee would grant his request if a certain prominent Democratic Senator would join with him, and I gave it as my opinion that they might; and the last I knew at that time, he started off to see that Senator, and he has not yet reported to me what the Senator said.

The Senator from Iowa [Mr. BROOKHART] has attended every meeting of the committee since the Meyer nomination was reported, when he could have made a motion to have

Mr. Meyer appear before the committee to be questioned by him, because it is admitted that certain things have come up since the nomination was reported; for instance, the letter of Congressman McFADDEN, the chairman of the House Banking and Currency Committee. I know the Senator from Iowa studiously says this letter was written to the chairman of the Banking and Currency Committee, but it was written to the members of the committee. There are many members who have letters from Congressman McFADDEN, and, among them, the Senator from Iowa. Why did he not tell us about him also receiving a letter instead of telling the Senate that I received the letter? The question naturally arises, Did the members of the committee see the letter? Did they have an opportunity to learn its contents? It has been inferred that I received the letter and did not lay it before the committee.

Mr. BROOKHART. Mr. President, I said that the letter I got was addressed to the Senator from South Dakota, and that the one sent to me was a copy of a letter to the Senator from South Dakota. That is what I stated.

Mr. NORBECK. The Senator did not state that in the beginning. That came out after some discussion, as I read the reporter's transcript.

Mr. BROOKHART. I stated it when the question came up, whenever it was.

Mr. NORBECK. But the Senator will agree that there was nothing withheld from the committee.

Mr. BROOKHART. Oh, not a thing. There is no reflection on the chairman of the committee in any way. However, I desire to call the chairman's attention to the fact that since this matter was reported to the committee, after a conference with the Senator from Virginia [Mr. GLASS], I asked the chairman to call Mr. Meyer before the full committee.

Mr. NORBECK. Yes. The trouble is that the Senator asked the chairman to handle the whole committee. I can not be responsible for the whole committee.

Mr. BROOKHART. Now, wait. The chairman said that the nomination was before the Senate, and the committee had no jurisdiction; so I have now come into the Senate and made a motion to have the nomination sent back to the committee, where it belongs, in the regular way.

Mr. NORBECK. The committee had no further jurisdiction on the nomination. The committee had a perfect right to call Mr. Meyer before them for a hearing, even though the nomination was pending in the Senate; but no motion of that kind was made. The Senator from Iowa [Mr. BROOKHART] insists that as chairman of the committee I should compel the committee to take certain action. I can not be responsible for all the members of the committee. I can not be responsible for the Democrats. I can not even be responsible for good conservatives on the committee, like the Senator from Connecticut [Mr. WALCOTT], the Senator from Maryland [Mr. GOLDSBOROUGH], the Senator from Colorado [Mr. PHIPPS], and others.

I can not even be responsible for the Senator from Iowa [Mr. BROOKHART]. I can be responsible only for myself; and I ask the Senator if, as chairman of the committee, I have not dealt fairly in this matter.

Mr. BROOKHART. I have not any complaint at all against the chairman; but the other Senators to whom he refers, I think, have been against my position all the time.

Mr. DILL. Mr. President, I desire to ask the Senator from South Dakota a question. Do I understand that the Senator is opposed to having this nomination go back to the committee?

Mr. NORBECK. I have never been opposed to it. As I say, I am responsible only for myself, and I shall cast my own vote in my own way when the time comes. I have not assumed that I should tell the Banking and Currency Committee what to do nor tell the Senate what to do in the matter.

Mr. DILL. I simply want this point cleared up—it seems to me a principle in which every Senator should be interested—namely, that if a Senator has questions that he wants to put to an appointee, and he has not been given

that opportunity, it seems to me the Senate ought to insist that he have it. I have no interest in this discussion between Senators.

Mr. NORBECK. I take no issue with the Senator from Washington on that matter. I am simply raising the question that a motion has never been made in the committee to bring Mr. Meyer before it. The matter was discussed informally.

Some two or three years ago Mr. Meyer's name was before the Banking and Currency Committee, when he was nominated for commissioner of the Farm Loan Board; and there were very serious charges made. They were personal. The Senator from Iowa took a great deal of interest in the matter, and pressed it very hard, and insisted on a hearing. The committee held hearings for three days, he examined the witness personally, and nothing developed; and that fact was rehearsed more or less before the Banking and Currency Committee this time. The test of whether the Banking and Currency Committee refuses a hearing, however, is for the Senator from Iowa to make a motion to call Mr. Meyer before the committee and see whether they vote for it or against it, instead of saying that the chairman should do it for him.

Mr. DILL. Mr. President, do I understand that the Banking and Currency Committee would not hear a Senator unless a motion was made? Is it necessary to have a motion made? Is not a request sufficient?

Mr. NORBECK. What the committee would do as a whole, I am not saying. There were remarks made that "We have gone over a lot of this before, and it resulted in nothing"; and several Senators expressed their disapproval of holding a hearing. A majority of them did not express themselves at all; and then a motion was made to report the nomination favorably, and that motion carried, and since then the matter has been on the Executive Calendar.

Mr. SWANSON. Mr. President, let me ask the Senator a question. Is the Senator from Iowa a member of the committee?

Mr. NORBECK. He is.

Mr. SWANSON. As an individual Senator, he had every opportunity to be heard. Was a motion ever made in the committee to have hearings?

Mr. NORBECK. No.

Mr. SWANSON. Was any motion made to hear the chairman of the Banking and Currency Committee of the House?

Mr. NORBECK. I do not recall that Mr. McFADDEN, of the House committee, ever asked to be heard before the Senate committee. I do not recall that he did; but he has held hearings of his own.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. NORBECK. I yield.

Mr. BROOKHART. The first question I raised was in the meeting of the full committee. I asked for this hearing at that time, though not by a formal motion. I had not learned that the committee had any rules that required that. My understanding was, as all the other Senators have said, that if there was a request for a hearing it would be granted; and I made it in that form. Then, after we discussed the matter there was no objection at all to the way in which I presented it. Some others said: "We have been over all this. We examined Eugene Meyer"; and they talked around the table, and then made a motion to confirm him.

That is the way the matter came up.

Mr. DILL. Mr. President, I am reminded of the fact that the press has criticized the Senate for not giving enough consideration to the confirmation of the Power Commissioners before they were confirmed in the first instance. It seems to me that when we are about to pass on the confirmation of a man to the Federal reserve system for a position such as Mr. Meyer is to hold we ought to have all the information we can get. If any Senator has charges to make or any questions to ask, he ought to be permitted to present them.

Mr. HEFLIN. Mr. President, I desire to ask a question of the Senator from South Dakota. What harm could come

now from having Mr. Meyer come back before the committee and permitting the Senator from Iowa to question him about the matters he has in mind?

It seems to me that if I were in Mr. Meyer's place, I should want that done. I should want to be able to show to the Senate that everybody who wanted to ask me anything and find out anything about me and my record had had an opportunity to do that. The Senator from South Dakota, if I understand him correctly, does not want this matter to go back to the committee. If that is true, he is going to call on Senators to vote to confirm this man with one Senator standing here saying that he has certain charges to make against the nominee and certain information about him, and that he has never had the opportunity to bring them out in a hearing.

Mr. NORBECK. If the Senator from Alabama is assuming that the chairman of the Banking and Currency Committee does not want the Senate to take a certain kind of action, he is assuming a great deal. The matter is up to the Senate as to what action to take.

Mr. HEFLIN. The Senator from Iowa, as I understand, has made a motion to refer the matter back to the committee, so that he can have the opportunity to interrogate Mr. Meyer. I am going to vote for that motion if this matter stands as it is now.

Mr. LA FOLLETTE. Mr. President, I heard the remarks made by the Senator from Iowa [Mr. BROOKHART], and I did not gather that there was any direct or implied criticism of the conduct of the chairman of the Banking and Currency Committee. I understood the Senator from Iowa to be making a factual statement concerning what had happened in the committee. I understood that the Senator from Iowa felt that he had not been accorded by the committee an opportunity to question Mr. Meyer upon the charges which had been made by the chairman of the Banking and Currency Committee of the House, and other matters which the Senator from Iowa desired to go into.

I should like to say for myself, Mr. President, that I feel that the friends of Mr. Meyer, the Senator from New York [Mr. WAGNER] and the Senator from Rhode Island [Mr. METCALF], are doing him a disservice in opposing the motion of the Senator from Iowa. The charges made by the Senator from Iowa and the chairman of the Banking and Currency Committee of the House should be investigated. To force the Senate to vote upon this nomination without an opportunity for those charges to be investigated is, I think, an entirely illogical procedure.

I sincerely trust that the motion made by the Senator from Iowa will prevail, and that a full and ample opportunity will be given for those who are opposed to the confirmation of Mr. Meyer to make their presentation to the committee, and that a full and fair opportunity will be given to Mr. Meyer to answer any charges which may thus be made.

Mr. COUZENS. Mr. President, I want to make it clear that when Mr. Meyer's name was before the Senate for confirmation as a member of the Federal Farm Board, his conduct prior to that time as the head of the War Finance Corporation was gone into, and the Senate had the information. Up to that time, I think, his record is clear, and there would be no difficulty in voting on confirmation.

Since then, however, since his membership on the Federal Farm Board, certain charges were made—whether there is any foundation for them or not is not the question—that he used his position to depress the bonds of the joint-stock land banks—to the detriment of the bondholders and the farmers. Then there have been charges that there was a rigging fixed up to secure his appointment on the Federal Reserve Board.

I know nothing about the matter. The press has commented on it. The Senator from Iowa has commented on the assertion that certain rigging was fixed up to get Mr. Meyer appointed to that position. It seems to me that we ought to know if that is true, and what the purpose of this rigging was.

I think, with the Senator from Wisconsin, that those who desire Mr. Meyer confirmed, as I do, are doing a disservice

to Mr. Meyer in not having this matter go back to the committee in order that Mr. Meyer may have an opportunity to deny or affirm these charges.

Mr. BORAH. Mr. President, the Senator from Michigan [Mr. COUZENS] has expressed my views as I entertain them.

If I were voting at this time, I should vote to confirm Mr. Meyer. My knowledge and information concerning his work while he was connected with the War Finance Corporation are such as to lead me to believe that he is an excellent appointee; but I do not very well see how I can vote to refuse to give an opportunity for a hearing upon such charges as have been made here. I think it would be much better for Mr. Meyer, and much better for every one, that the matter be cleared up. My opinion is that it will be cleared up; but I should like to see the hearing had.

Mr. GLASS. Mr. President, I have been necessarily absent from the Chamber while this discussion has ensued, and I do not know exactly what has been said. I have been told that the Senator from Iowa has complained that the Banking and Currency Committee of the Senate, first, and afterwards the subcommittee, had refused to give him a hearing. At no meeting of the Banking and Currency Committee which I have attended has any hearing been asked.

Unquestionably, as chairman of the subcommittee appointed to make a specific investigation of the banking conditions of the country, I declined to permit the Senator from Iowa—and in that decision I was sanctioned by every member of the subcommittee—to transform the subcommittee into an investigation committee of a nomination to the Federal Reserve Board or to permit the Senator from Iowa to sit in and to catechise Mr. Eugene Meyer about matters with which the subcommittee was not charged.

I have no objection to anybody catechising Mr. Meyer in the right way and before the right committee. I have no objection to the Senator from Iowa hammering over the old brass of three years ago and asking Mr. Meyer the same questions. If he has any new questions to ask him, he has not indicated them to me as a member of the Committee on Banking and Currency. He had full opportunity to do that when this nomination was before the committee, and, so far as I know, he has never done it.

Mr. DILL. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. DILL. I might inform the Senator that the Senator from Iowa referred to things charged since the hearing.

Mr. GLASS. Yes; I have heard that—things which are rumored since. I have not heard any charges made by any responsible person.

Mr. COUZENS. Mr. President, will the Senator from Virginia yield to me?

Mr. GLASS. Certainly.

Mr. COUZENS. I assume the Senator considers his colleagues responsible, at least superficially so.

Mr. GLASS. I have not heard of any charge by any colleague.

Mr. COUZENS. The Senator from Virginia was absent attending a meeting of a subcommittee of the Banking and Currency Committee when the Senator from Iowa made specific charges.

Mr. GLASS. To what effect?

Mr. COUZENS. To the effect that Mr. Meyer had deliberately set out to depress the bonds of the joint land banks and to purchase them, to the detriment of the farmers and the bondholders of the joint land banks. He also made the charge that there was a certain plan set up to dispose of Mr. Young and Mr. Platt so as to secure the position for Mr. Meyer.

I do not know anything about those charges, but they relate to things all subsequent to the hearings which the Senator called "hammering old brass." I have no desire to go back to that period and have the old brass hammered, as the Senator expresses it, but I am desirous of having from a committee authentic information as to whether these charges made by the Senator from Iowa can be substantiated.

Mr. GLASS. Of course, if any Member of the Senate, or other responsible person, has definite charges to make against Mr. Meyer, with any reasonable prospect of proving them, I have no objection to his being heard; but I do object to his being heard before the subcommittee of which I am chairman, because it is not charged with anything of that sort.

Mr. METCALF. Mr. President, I think the reason why Mr. Young resigned was that there was a vacancy in the Federal reserve bank at Boston, a position which perhaps carries two and a half times the salary Mr. Young was receiving here in Washington. I believe that was the reason for his resignation and that there was no other.

Mr. WAGNER. Mr. President, I do not want unduly to delay the discussion. After the very just tribute paid to Mr. Meyer by the Senator from Rhode Island there is very little that can be added.

I do feel, however, that I would be remiss as a representative of the State of New York, the State which is proud that Mr. Meyer is one of her citizens, if I did not at least inform the Senate that he is held in that State in very high esteem. He is regarded as one of its most distinguished citizen. He is a banker to whom there are very few equals in capacity and none superior. He has the confidence of the business people, not only of the State of New York but, I believe, of the entire country.

I hope the nomination of Mr. Meyer will not be recommended. My recollection is refreshed very much by what the chairman of the Committee on Banking and Currency said, and I am now certain that never was a motion actually made before the committee for a hearing, or to bring Mr. Meyer before the committee so that he might be interrogated by the Senator from Iowa. There was some discussion of that matter, and the discussion, as I recall it, made it very manifest that the events about which Mr. Meyer was to be interrogated had already been fully investigated by the committee and completely disposed of. The insinuations and innuendoes indulged in at that time were in no way established by any evidence presented to the committee.

I entertain the same views about the rumors with which we are now confronted. No definite charge has been made against Mr. Meyer. I am sure that no definite charge which can be supported by any evidence can be made against him. I personally feel that it is a great sacrifice for him—if we may call the surrender of financial rewards a sacrifice—to accept a public position. He is a man of very large means, with great opportunities in the business world, and he is willing to forego them in order to serve his country.

I shall state very briefly the reason why I am particularly interested at this time in seeing a man of Mr. Meyer's type in this great and important office to which he has been nominated. Mr. Meyer has served under four Presidents, and he has been rewarded with high praise by each of them. He has been paid the highest of tributes by men who have had actual contact with him during his public career. He is almost universally approved by the press of the country. His integrity has never been questioned, except as we hear these irresponsible insinuations. Just at this time, when the world is suffering an economic depression, the like of which we have not experienced in modern history; when we are seeking to rehabilitate the economic condition of the world, a task that challenges the ingenuity of our greatest men, is the time when we ought to have at the head of the Federal reserve system a man who has not only unusual capacity and expert knowledge, but one in whom the business people of the world have confidence.

After all, we know that in our whole economic machine there is no part so delicate as the banking system. Banking responds more quickly to mere rumor than any other business. A few weeks ago a New York bank which was absolutely solvent was closed because of the spread of rumors

concerning its financial condition. There was a run on the bank, which resulted in its closing, although the rumors proved to be completely unfounded.

Therefore I say that in this banking structure, which responds so delicately both to pessimistic views and also to news of confidence, we should have a man of unusual capacity, who may help in this superhuman task of bringing back the world to economic stability. It is for this reason, having given the question such study as a man of my humble capacity can, that I am interested in seeing Mr. Meyer help steer the ship.

I hope the Senate will disregard these rumors, because they are really brought forth by men who will be opposed to Mr. Meyer no matter how his capacity may be established, or to what extent his capacity may be established, and his fidelity to his country shown. Their votes will be in the negative anyway.

I regard it as very unfortunate that at this late day, after the opportunity was presented to make a motion before the committee, these methods of delay should be brought forth to postpone a vote by the Senate, and I hope the Senate will not agree to the motion.

Mr. McNARY. Mr. President, I entertain a very strong personal friendship for Mr. Meyer and share a great sense of appreciation for his public service; but the charges which have been made on the floor of the Senate by a distinguished and reputable Senator, and by the contents of the letter written by Mr. McFADDEN, a Member of the House of Representatives, have certainly cast a cloud upon the availability of Mr. Meyer.

If I were in Mr. Meyer's place, I would want my friends to give me an opportunity to exculpate myself. For that reason, as a friend of Mr. Meyer, I think the nomination should be returned to the committee in order that he may have an opportunity to clear himself of these charges.

Mr. NORBECK. Mr. President, I have no authority to speak for all the members of the Committee on Banking and Currency, but speaking for myself, I would say that not only do I have no objection to the nomination going back to the committee but I really think it should go back. I am speaking as a Senator, and not as chairman of the Committee on Banking and Currency. I repeat what I have said before, that I am not authorized to speak for all the members of the committee.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. NORBECK. I yield.

Mr. BARKLEY. I have been before two other committees this morning in regard to other legislation, and therefore have not been on the floor of the Senate while the discussion has been proceeding. What fact or rumor or charge has been brought forward which makes it advisable to return this nomination to the committee? What is the proposition?

Mr. NORBECK. I can answer briefly by stating that I have read the transcript of the official reporters of the debate which took place while the Senator and I were absent from the Chamber attending committee meetings. The Senator from Iowa made a motion to send the nomination of Eugene Meyer back to the committee, claiming that he had asked for a chance to have a hearing on certain important charges of which he had knowledge, and that the Committee on Banking and Currency had refused to grant his request. I take issue with the Senator from Iowa on that statement, but there have been a good many remarks to the general effect that the Senator from Iowa is entitled to the hearing he asks.

The Senator from Kentucky will recall that there was opposition to the nomination in the committee, although the Senator from Iowa never made a motion to call Mr. Meyer before the committee. There was opposition because on a previous occasion when Mr. Meyer's name was before the committee for another office similar charges were made, and a 3-day hearing was held, with no result.

Mr. BARKLEY. That was when he was appointed as a member of the Farm Loan Board?

Mr. NORBECK. Yes.

Mr. BARKLEY. My recollection is that at that time the committee went rather thoroughly into Mr. Meyer's history and financial connections and his experience and ability. Of course, as a member of the Committee on Banking and Currency, personally I have no objection to reconsidering the matter, but unless something new has developed since the committee acted, and since we had a hearing on a former occasion in reference to Mr. Meyer, I am wondering what could be accomplished by such a hearing.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BROOKHART. Practically all that I have suggested is new. I do not care to thrash over any of the old straw. Any questions I shall ask will be in a new field.

Mr. McFADDEN's letters and charges to the chairman of the Committee on Banking and Currency of the Senate, copies of which were sent to the other members of the committee, all came since our action was taken.

Mr. NORBECK. I would like to ask the Senator a question for information. Is it not a fact that when we had the other hearing on Mr. Meyer there were at that time also letters and speeches from Mr. McFADDEN before us containing the same charges?

Mr. BROOKHART. I do not recollect that at all, because these charges have all been brought up recently, since that happened.

Mr. NORBECK. I refer to the charges made at the other hearing; did they not also come from Mr. McFADDEN?

Mr. BROOKHART. I do not remember that had anything to do with the matter. It did not with me.

Mr. NORBECK. I am not certain about the matter.

Mr. BROOKHART. Other matters have come to my attention this morning. They come from reputable parties. Certainly if they should prove to be true the Senate will not, in my opinion, confirm Mr. Meyer.

Mr. BARKLEY. Of course, I am not familiar with the details of what the Senator may have in mind. I recall that several days ago a Member of the House made a speech making all sorts of charges against the Federal Reserve Board and almost everybody else who had anything to do with the financial structure of our country. However, I do not believe that in that speech he made any specific charges upon which I would feel justified in reopening the matter.

Mr. BROOKHART. Oh, yes; he did. I went into that fully just a little while ago, before the Senator came in.

Mr. BARKLEY. I have been necessarily absent a portion of the morning and I am trying to find out now what is the basis for the charges.

Mr. SMOOT. Mr. President, I have known Eugene Meyer for a quarter of a century. I do not believe there is a more honorable man in the United States, financial or otherwise, than Eugene Meyer. It does seem to me it is a perfectly useless proceeding to try to blacken the character of a man of that kind by now asking in the Senate that the nomination be recommitted to the committee for further investigation. I agree fully with the statement made by the Senator from Virginia [Mr. GLASS] in relation to Mr. Meyer's character. I believe that the thing to do is either to vote to reject him or vote to confirm him now. I believe there is not a man in the United States who is better qualified for the position to which he has been named by the President of the United States than is Eugene Meyer.

Mr. NORRIS. Mr. President, I had not intended to say anything, but the remarks just made by the Senator from Utah, it seems to me, can not and should not remain unchallenged. He said in the course of his statement that he does not believe there should be any attempt on the part of the Senate of the United States to blacken the character of Eugene Meyer.

Mr. WAGNER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. WAGNER. The fact is, of course, that Mr. Meyer comes from my State. May I make this suggestion, if the Senator will yield for the purpose—

Mr. NORRIS. Let me make my statement first, since I have the floor.

Mr. WAGNER. I was going to make the suggestion to the Senator that we send the nomination back to the committee and agree now upon a time when the hearings shall be had.

Mr. NORRIS. No; I would not agree to do that in the Senate. I think it would be for the committee to determine that matter.

The PRESIDENT pro tempore. That may not be done in the Senate.

Mr. NORRIS. The committee ought to determine a question of that kind.

Mr. NORBECK. I hope the Senate does not issue any orders to the committee. If the nomination is sent back to the committee, I can assure the Senate that it will be disposed of within a few days.

Mr. NORRIS. Of course, we all assume that the committee will do its duty.

Returning now to what I was proceeding to say, the Senator from Utah [Mr. SMOOT] said that we ought to act on the nomination now and there ought not to be any attempt on the part of the Senate to blacken the character of Eugene Meyer. Has it come to the point that a Senator can not oppose a nomination made by the President of the United States unless he be charged with an attempt to blacken the character of the nominee? I have not heard of such a thing, and I know of no Member of the Senate who has any such thing in mind. If the consideration of a nomination made by the President of the United States by a Senate committee having hearings and calling witnesses before the committee constitutes blackening of a man's character, then we ought to amend the Constitution and take away from the Senate any confirming power. Have we any responsibility here as Members of the Senate under the Constitution when a nomination is sent to us? Has it come to a time when no Senator can ask for a hearing or ask that a man be put on the witness stand without somebody saying we are attempting to blacken a character?

Eugene Meyer may be, as the Senator from Utah says, the best man in the United States for this position. I think that is substantially what the Senator from Rhode Island [Mr. METCALF] said. It may develop that that is true. Is a man who has a character that is unblemished and who has an ability that is greater than anybody else's ability afraid to come before a Senate committee? If he is that kind of a man, spotless and pure and supreme in his wisdom and ability, he should not be afraid to come before an ordinary committee of the Senate. It is no aspersion upon his character that he is asked to do so. We are charged with the duty of acting on this nomination. I have nothing in my mind or in my heart, personally or otherwise, against Mr. Meyer, but he has been named to an office and the Constitution provides that we must either confirm or reject it. It appears that a Member of the Senate wants to ask him some questions.

There appears also, to my mind, another serious thing. A letter was read to-day, directed to the members of the Banking and Currency Committee of the Senate, written by the chairman of the House Committee on Banking and Currency, making, I take it, charges which, if true, while they would not impeach the honor or integrity or ability of Mr. Meyer, would, in my judgment, disqualify him for the place to which he has been named. We would not all agree on that matter. Some of us, assuming that the charges are 100 per cent right, might think all the more of him for that reason. I find no fault with any Senator who thinks so, but some of us would like to keep out of international affairs with our financial operations, so far as we can.

While Mr. McFADDEN's letter does not charge certain things outright, yet he has made certain statements as chairman of the great Banking and Currency Committee of the House which, if true, would cause me to hesitate in voting to confirm that kind of a man. I would not want that kind of a man at the head of our Federal Reserve Board. I

do not believe others would. If a majority of Senators do not, and if it develops that he is interested, as the McFadden letter intimates he is, in putting us into the international banking system, then I do not believe we should confirm him. But in any case, why not let the truth come out? I do not take it that it will be of discredit to him.

A man has a right to believe in the International Bank and in putting the United States into it. Some of us do not believe that we ought to go that far or to go that way at all. That does not mean that we are charging those who do believe in it with any dishonor or any lack of ability or with not being good citizens. But that is one of the questions which the committee ought to investigate.

I think the letter of Mr. McFADDEN, which was read here to-day, is couched in the most courteous terms, no matter what we may think of him or his ideas, safely guarded against any attempt to browbeat or unduly influence or control the action of the committee or the Senate—a very courteous letter calling the attention of the Senate committee to certain things which he charges are facts. He gives dates and names. He gives the names of witnesses whom he suggests ought to be called before the committee, and I think they ought to be called. I do not know what the result will be. I have no knowledge. I am not claiming to know anything to the detriment of Mr. Meyer that would disqualify him; but if some of the things outlined in that letter are shown to be true, I do not intend to vote for his confirmation. By voting against his confirmation I would hope that I would not be charged with making any disreputable charge against the man or being guilty of an attempt to blacken his character or even to question his ability, or even to question or interfere with the personal friendship which so far as I know exists between myself and Mr. Meyer.

Mr. NORBECK. Mr. President, after conferring with other members of the Committee on Banking and Currency, and especially with the Senator from New York [Mr. WAGNER], I ask unanimous consent that the matter be re-committed to the Committee on Banking and Currency.

Mr. GLASS. Mr. President, I want merely to say that, knowing Eugene Meyer as I do know him, and have known him for the last 12 years, I am sure it would be his desire to have his nomination go back to the Committee on Banking and Currency and to renew the opportunity that anybody had at the time his nomination was reported for any inquiry of a proper nature that anybody may desire to institute. Therefore I concur in the suggestion of the chairman of the committee that the nomination be sent back to the committee.

Mr. HARRISON. Mr. President, may I suggest to the Senator from South Dakota that he couple with his unanimous-consent request an agreement that the committee shall make a report back to the Senate within a definite time so the matter can be gotten out of the way?

Mr. NORBECK. It is difficult for me to make any such request as that, because I do not know how extensive the hearings might be. That is for the committee to decide.

Mr. GLASS. The Senator knows how extended the hearings were which were had a few years ago.

Mr. HARRISON. I think in view of the situation in the country the matter ought to be gotten out of the way one way or the other. If Mr. Meyer is going to be defeated, let some one else be appointed. If the committee is going into extended hearings for three or four weeks, we ought to know it. It would seem to me that we ought to have an agreement that the committee shall report back within a definite time.

Mr. LA FOLLETTE. Mr. President, in reply to the suggestion of the Senator from Mississippi I want to point out that when the matter was voted on in the committee previously there were only 2 votes against Mr. Meyer. Therefore it is perfectly obvious that there will be no attempt made to delay the matter. On the other hand, it seems to me it would be a mistake for the Senate, without knowing anything about how many witnesses would be called, to limit the action of the committee. It seems to me the Sen-

ate ought to have confidence in the committee that it will discharge its duty in this matter with discretion and with due regard to the importance of the existing situation.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota that the nomination be re-committed to the Committee on Banking and Currency? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

REPORTS OF NOMINATIONS

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

Mr. GILLETT, from the Committee on the Judiciary, reported favorably the nomination of Albert W. Harvey, of Vermont, to be United States marshal, district of Vermont, which was placed on the Executive Calendar.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States submitting nominations were referred to the appropriate committees.

FEDERAL POWER COMMISSION

The VICE PRESIDENT. The calendar is in order. The Chief Clerk read as follows:

Federal Power Commission.

Mr. WALSH of Montana. Mr. President, I think I will suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Sheppard
Barkley	Fletcher	Keyes	Shortridge
Bingham	Frazier	King	Smith
Black	George	La Follette	Smoot
Blaine	Gillett	McGill	Steiner
Bleas	Glass	McKellar	Stephens
Borah	Glenn	McMaster	Swanson
Bratton	Goff	McNary	Thomas, Idaho
Brock	Goldsborough	Metcalfe	Thomas, Okla.
Brookhart	Gould	Morrison	Townsend
Broussard	Hale	Morrow	Trammell
Bulkeley	Harris	Moses	Tydings
Capper	Harrison	Norbeck	Vandenberg
Caraway	Hastings	Norris	Wagner
Carey	Hatfield	Nye	Walcott
Connally	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Partridge	Walsh, Mont.
Couzens	Hebert	Patterson	Waterman
Cutting	Heflin	Phipps	Watson
Davis	Johnson	Pine	Wheeler
Deneen	Jones	Pittman	Williamson
Dill	Kean	Reed	

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, in the communication from the President of the United States in response to the request of the Senate for the return to it of the notice of the action taken by the Senate with respect to the confirmation of three members of the Federal Power Commission, he took the position that once the Senate had acted, and had resolved to confirm a nominee, and had advised the President of its action all power of the Senate was gone, that the matter was entirely out of its hands, and it was powerless to reconsider. With respect to that contention it is enough to say that the rules of the Senate clearly are in contravention of that idea, because they expressly provide for reconsideration although notification shall have gone to the President.

Mr. President, these rules have been in force for a long time. The view that the Senate has the right to reconsider its action in confirming nominations after notice has been sent to the President, clearly to be deduced from the rules of the Senate themselves, is enforced when we consider the circumstances under which these rules were adopted. They were adopted in 1877, prior to which time the rule of the Senate in relation to the particular matter now under discussion read as follows:

When a question has been once made and carried in the affirmative or negative it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

That is to say, Mr. President, that prior to the year 1877 the Senate by its rules expressly provided that once notification had gone to the President the power to reconsider failed.

The Senate changed that rule, and changed it to provide that, although notice had gone to the President, the Senate might, nevertheless, within two executive sessions thereafter reconsider its action. Those rules have been in force since 1877, now over 50 years, so that the controversy is really one between the President of the United States, on the one hand, and the Senate of the United States on the other.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. WALSH of Montana. I yield.

Mr. VANDENBERG. I am interested in this interpretation, and before the Senator leaves the other phase of the discussion I wish to ask does he think that there is any time limit in reason which would run against the Senate's right within two executive sessions to reconsider a nomination after the notification had gone to the White House? Let me amplify the question. Suppose there were not two subsequent executive sessions for 90 days; would the Senator say that after 90 days we would still have the right, under the rule, to proceed?

Mr. WALSH of Montana. That is not conceivable, but it is perfectly easy, Mr. President, under the rules, if the rules of the House of Representatives are to be adopted, to take care of the situation by making a motion to reconsider immediately, and then a motion to lay such motion on the table.

Mr. VANDENBERG. If the Senator will yield again, the situation I described is not inconceivable because the Senate did not have an executive session from December 20 to March 3, 1921. I am wondering if a nomination was confirmed on December 20 and the Senate reconsidered it on March 3 would not that palpably be an act tantamount to impeachment or to removal rather than in good faith a reconsideration?

Mr. WALSH of Montana. No; it would not be tantamount to removal, because the Senate had not yet finally confirmed.

Mr. VANDENBERG. Then the Senator takes the position that in the case cited, even on March 3, under our rules, we would be entitled to reconsider?

Mr. WALSH of Montana. Yes; if one could conceive of such a thing, if it were 10 years it would be the same, but, of course, such a situation as that really could not be conceived of.

Mr. VANDENBERG. Then, the Senator does not think that such action invades the field of removal rather than being confined to the field of confirmation?

Mr. WALSH of Montana. Not at all. If the Senate rules provide that it may within two executive sessions reconsider, it may reconsider within that time. The Senator, however, will bear in mind that there is another rule, that if the Senate adjourns or takes a recess for more than 30 days the motion to reconsider falls.

Mr. VANDENBERG. Will the Senator yield further?

Mr. WALSH of Montana. Yes.

Mr. VANDENBERG. I am thinking, nevertheless, Mr. President, of the situation which actually existed in 1921. Suppose that the nominations that had been confirmed on December 20, 1921, were reconsidered on March 3 because of something that had happened on February 1. That obviously would relate to removal from office for an act subsequent to confirmation, would it not?

Mr. WALSH of Montana. Oh, no; removal is entirely outside of the question. It is simply a question as to whether the confirmation is complete or not; that is all.

Mr. VANDENBERG. Then, I am to understand that there is no limitation, in reason, upon the time which this rule runs?

Mr. WALSH of Montana. I do not undertake to say that if such a case as that arose the court might not hold that the rule was an unreasonable one. If the court should so hold, the rule would be valueless, of course. The rules must be reasonable. One may possibly conceive of certain circumstances under which the rule would be unreasonable and that might present a question of the validity of the rule; but that is aside from the question that is before us.

In this instance the Senate recessed on the 20th day of December, immediately after the nominations of the members of the Federal Power Commission were confirmed, and immediately upon reassembling the Senate went into executive session and the motion to reconsider was made.

Now, let me proceed. Mr. President, I want to call attention to the fact that this is no fanciful idea that originated with the Senate or with the so-called "coalition" in the Senate. These rules were adopted by the Senate of the United States in 1877, at which time this body consisted of 39 Republicans, 26 Democrats, and 1 independent. So the rules are the product of a Republican Senate, and have been in existence now for more than 50 years without any challenge from anybody. Moreover, Mr. President, they were framed by a Senate that was distinguished for the many able lawyers upon both sides of the Chamber, Republican as well as Democratic.

On the Republican side, for instance, there were Hannibal Hamlin, James G. Blaine, George F. Hoar, Roscoe Conkling, and George F. Edmunds. Edmunds had the reputation at that time of being one of the greatest constitutional lawyers who ever sat in this body. Conkling was a lawyer of very great capacity. Hoar everybody recognizes as one of the great judicial lights of this country.

On the other side there were men equally eminent in the legal profession; for upon that side could be found John T. Morgan, Augustus H. Garland, Thomas F. Bayard, L. Q. C. Lamar, and Allen G. Thurman. Lamar afterwards becoming an Associate Justice of the Supreme Court of the United States and Garland the Attorney General of the United States.

So that these rules which asserted the power of the Senate to reconsider votes by which nominations had been confirmed after the President had been notified of the action of the Senate were framed by a Senate that was thus constituted, and in which the Republicans were in a very decided majority.

In addition to these legal lights upon both sides of the Chamber, however, there was likewise in this body David Davis, classified as an independent, also regarded as one of the luminaries in our great galaxy of American lawyers.

The Supreme Court of the United States had something to say at one time about the value and importance of rules of the Senate. I read from the case of *United States v. Ballin* (144 U. S.), at page 5:

The Constitution empowers each House to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which, once exercised, is exhausted. It is a continuous power, always subject to be exercised by the House, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

I submit that for the consideration of the Senator from Michigan in connection with the questions he addressed. Mr. President, we are not without a guide in the decisions of the courts with respect to the matter now before us; and I am going to trespass upon the patience of the Senate to

submit some authorities which seem to me to be quite decisive of the question before us.

The first is a decision of the Supreme Judicial Court of the State of Massachusetts, the opinion being written by Mr. Justice Holmes, the present veteran Associate Justice of the Supreme Court of the United States.

The opinion of Mr. Justice Holmes on such a question may not be highly regarded in some quarters; but I am quite in error if what he says upon a question of this character is not entertained with the very highest respect by the great body of the American people.

The case was a simple one. It was the action of the school committee of a town in relation to the election of a superintendent. The school committee had a right to elect a school superintendent. It elected one; but after a while it concluded that it had made a mistake and reconsidered the action, voted against the man whom it had elected, and chose another man for the place. The man first elected sought the office.

I read from the case of *Wood v. Cutter et al.* (138 Mass. 149). The court says:

We are all of opinion that the petitioner shows no right to the office and that the writ ought not to issue. This is not the case of a fluctuating body, like a town meeting, nor is it one where the law prescribes a particular mode of voting in the performance of some public duty, as, for instance, the ballot, where it would be open to question whether the power to reconsider, if it were held to exist, would not practically destroy the secrecy intended to be secured. Both these elements concurred in *Putnam v. Langley* (133 Mass. 204), and when it was suggested in that case that perhaps after a ballot had been taken and the result in favor of a candidate announced and accepted further action by the same meeting would be ineffectual, the suggestion plainly had reference only to the facts of the case before the court.

Here the mode of voting was determined by the pleasure of the voting body. At the meeting of April 7 it was by ballot; at the adjournment by yeas and nays. Under these circumstances no reason has been suggested to us why this vote should not stand on the same footing as any other vote of a deliberative body, and remain subject to reconsideration at the same meeting and before it has been communicated. It begs the question to say that the board had once definitely voted in pursuance of the instructions of the town meeting, and therefore was functus officio, and could not reconsider its vote. *The vote was not definitive if it contained the usual implied condition, that it was not reconsidered in accordance with ordinary parliamentary practice, and it must be taken to have been passed subject to the usual incidents of votes, unless some ground is shown for treating it as an exception to common rules.* Whether the board could have cut down their powers of deliberation by communicating their vote before the meeting was closed, or otherwise, is not a question before us. It is enough to say that an implied condition is as effectual as an express one; and that, in this case, the condition which has been stated must be implied.

So that this decision holds, this opinion recites that when the Senate confirmed these nominations there was an implied condition that they might thereafter reconsider their action within two days, and that must be taken into consideration.

It will be observed that in this particular case attention is called to the fact that the action taken by the town council had not been communicated, and the question is left open as to whether or not that would alter the conditions. I shall now call your attention, however, to a case in which not only was the information communicated to the officers but the officers actually went into office and had exercised the office for some long period thereafter before action was taken to reconsider.

Mr. VANDENBERG. Mr. President, may I ask the Senator one more question?

Mr. WALSH of Montana. Yes.

Mr. VANDENBERG. I am not seeking to be controversial at the moment. I am merely seeking information.

Mr. WALSH of Montana. I beg to say that I shall be very glad to be interrupted by the Senator.

Mr. VANDENBERG. The Senator now is discussing the doctrine of implication. Does he think that anything could be said for the point that there is equally an implication involved when the Senate notifies the President that the Senate has waived its right to reconsider?

Mr. WALSH of Montana. That is quite impossible under the rules, because the rules provide for reconsideration

after notice has been sent; so how can it be implied that we waived the right to reconsider by reason of sending the notice?

I should like to have an answer from the Senator, if he cares to answer that question.

Mr. VANDENBERG. My view has been, Mr. President, that the act of notification had within it an implication of unanimous consent.

Mr. WALSH of Montana. Unanimous consent that he be notified.

Mr. VANDENBERG. Unanimous consent that he be notified, which, in turn, indicates the consent of the Senate that the matter should pass out of its control.

Mr. WALSH of Montana. But let me call attention to the rule. The rule provides that if the President has been notified, then the motion to reconsider shall be accompanied by a request that he return the notification; and it also provides that if the motion to reconsider is debated and is under consideration by the Senate, notice may even then be sent to the President of the action theretofore taken. Accordingly, it is impossible to reach the conclusion that the Senator suggests.

Let me call attention to the case to which I last adverted—the case of *People ex rel. Mrs. John MacMahon et al.*, appellants, against *Edwin S. Davis et al.*, appellees, reported in Two hundred and eighty-fourth Illinois, at page 439.

In that case the power was given by the statute to the mayor of the city of Chicago to appoint a school board, or a board of education. The mayor appointed and sent the nominations for confirmation to the council, as required by the law. The council confirmed the nominations; and then, the nominations being confirmed, some one made a motion to reconsider the action taken, and a motion was then made to lay on the table the motion to reconsider. Meanwhile, they had an election in Chicago, and a new mayor came in, who appointed a new board of education; and the contest arose as to whether there was a vacancy which could be filled by the appointment of the new mayor.

The court first took under consideration the question of the effect of the motion to lay upon the table the motion to reconsider; and the court held that the rule of the House of Representatives to the effect that a motion to lay upon the table a motion to reconsider is a final disposition of the matter was a rule peculiar to the House of Representatives, but that the general parliamentary rule was otherwise, and that a motion to lay upon the table is not a final disposition of the matter, but allowed it to remain in statu quo. Then, when the new organization came into power, some one moved to take from the table the measure, and the court held that that was proper; and they took up the matter again, reconsidered the action taken, and elected the new men.

The following is from the syllabus of the case:

A city council, acting under general parliamentary law and under its own rules adopted for the reconsideration of questions, may reconsider the confirmation of appointments to office by the mayor, as the confirmation of executive appointments is not the same thing as an election to office.

The first paragraph in the syllabus is as follows:

A municipal council, like other legislative bodies, has a right to reconsider, under parliamentary rules, its votes and action upon questions rightfully pending before it and rescind its previous action.

I read from the body of the opinion, as follows:

It is insisted that the council has no power to reconsider an election of officers by it; that the confirmation of an appointment is virtually an election to office; that the same rule applies to confirmations as to elections; and that the weight of judicial authority denies to deliberative assemblies the power to reconsider the election of an officer which it was authorized to make. This is not, however, the case of an election—a choice between two or more candidates. The council does not in any sense choose the appointee. The question before it is the approval of an executive act of the mayor. Its action is discretionary and deliberative. No good reason is apparent why the council may not establish rules in such cases for the government of its own procedure in arriving at its final judgment as well as in other cases. Orderly procedure requires some rules for the proper dispatch of

business and deliberation in its conduct. The confirmation of executive appointments should be deliberately considered, and the rules applicable to ordinary questions to secure such deliberation may well be applied.

The question of the power of the senate to reconsider its action in advising and consenting to an appointment by the governor of a member of the board of State tax commissioners arose in Michigan and was decided in *Attorney General v. Oakman* (126 Mich. 717).

The senate having adopted a resolution confirming the appointment, a motion to reconsider the vote was made at the same executive session and prevailed. The question then recurring on the original resolution was decided in the negative. In an action to determine the appointee's title to the office, the court stated the question to be whether the senate, at the same session and before any action based upon the first vote had been taken, might reconsider the vote by which it had advised and consented to the nomination of the governor. The reasons given by the court in deciding the case and the authorities cited in the opinion completely answer the contentions of the appellees. The court said (p. 721): "It is contended by the respondent that the senate, in consenting to an appointment by the governor, is performing an executive and not a legislative duty, and that when it has once given its consent it has exhausted its power; and it is further contended that rule 40 has no application. It is conceded by the relator and has been held by this court, following *Marbury v. Madison* (1 Cranch, 137), that when the appointing power has once exercised its functions it has no power to recall an appointment.

The question recurs whether, where an appointment or concurrence in an appointment is a subject of action by a deliberative body, that body may by rules of its own, or acting under usual parliamentary rules, cast a vote upon the subject which is subject to reconsideration, for if such course is permissible the appointment is not complete beyond recall until the power to reconsider has been cut off by the lapse of time. Fortunately, authorities bearing upon this subject are not wanting and it only remains to apply them. In *Wood v. Cutter* (138 Mass. 149), the school committee of a town had authority to elect a superintendent. The committee voted to elect relator. At the same meeting a motion to reconsider was made and carried and the respondent was elected. The language of Holmes, J., is pertinent to this case—

Quoting Mr. Justice Holmes.

The Michigan case to which I refer, which I commend to the attention of the Senator from that State, is found in One hundred and twenty-sixth Michigan, at page 718, the case of *Attorney General against Oakman*. I read from the opinion as follows:

Rule 40 of the senate provides:

"When a question has been once put and decided, it shall be in order for any member to move the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order unless the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall be in the possession of the senate; nor shall any motion for reconsideration be in order unless made on the same day the vote was taken, or within the next two days of the actual session of the senate thereafter; nor shall any question be reconsidered more than once."

I read this particularly for the purpose of indicating that our rule giving the right to reconsider within two executive sessions after the action is taken is by no means an uncommon one. It is the same rule which obtains in the State of Michigan, and, as I shall show later, in another State. I read further:

It is contended by the respondent that the senate, in consenting to an appointment by the governor, is performing an executive, and not a legislative, duty, and that, when it has once given its consent, it has exhausted its power; and it is further contended that rule 40 has no application. It is conceded by relator, and has been held by this court, following *Marbury v. Madison* (1 Cranch, 137) that, when the appointing power has once exercised its functions, it has no power to recall an appointment. See *Speed v. Detroit Common Council* (97 Mich. 198 (56 N. W. 570)). The question recurs whether, where an appointment or concurrence in an appointment is a subject of action by a deliberative body, that body may, by rules of its own, or acting under usual parliamentary rules, cast a vote upon the subject which is subject to reconsideration; for, if such course is permissible, the appointment is not complete beyond recall until the power to reconsider has been cut off by the lapse of time.

Fortunately, authorities bearing upon this subject are not wanting, and it only remains to apply them.

Reference is made to the case of *Wood against Cutter*, to the language of Justice Holmes, and reference also is made to the case of *State v. Foster* (7 N. J. Law).

I now call attention to a case from the State of Mississippi, the rules of whose senate were in the very language of the rules of the Senate of the United States, the case of *Witherspoon against State* on relation of West, reported in

One hundred and thirty-eighth Mississippi, at page 310, a very recent decision, rendered in the year 1925.

Inasmuch as this opinion seems to be so particularly applicable to the case before us, I shall ask the indulgence of the Senate while I read at some length from the opinion, as follows:

The question then presented is, Did the senate confirm the appellant's appointment? Or, to express it differently, Was the affirmative vote on the resolution confirming the appellant's appointment final? For, unless that vote was final, the confirmation remained in fieri and subject to the control of the senate.

Deliberate assemblies, in order that the will of a majority of its members may be ascertained and registered in an orderly way, must, ex necessitate rei, be governed by rules of procedure to which each member thereof must conform. In the absence of special rules of procedure adopted by such an assembly, or for it by an outside power having the right so to do, its procedure is governed by the general parliamentary law (29 Cyc. 1687); *Roberts's Rules of Order*, Revised, page 15, one of the rules of which is that when a motion has been made and carried or lost, it may be reconsidered on a motion therefor by a member of the assembly who voted with the prevailing side made "on the day the vote to be reconsidered was taken or the next succeeding day, a legal holiday or recess not being counted as a day." (*Roberts's Rules of Order*, Revised, p. 156.)

"All deliberative assemblies during their session have a right to do and undo, consider and reconsider, as often as they think proper, and it is the result only which is done."

This was said in 1823 by the Supreme Court of New Jersey in *State v. Foster* (7 N. J. Law, 101, p. 107), wherein was involved the right of the State legislative council and general assembly in joint meeting to reconsider a vote by which an appointment to office was claimed to have been made; the court further saying:

"In this case, so long as the joint meeting were in session, they had a right to reconsider any question which had been before them or any vote which they had made."

See also *Crawford v. Gilchrist* (64 Fla. 41, 59 So. 963, Ann. Cas. 1914B, 916).

The solution of this question, however, does not depend on the general parliamentary law or the power which deliberative assemblies ordinarily have to adopt rules of procedure, for the power to adopt such rules is expressly conferred on the senate by section 55 of the constitution, which provides that "each house may determine rules of its own proceedings."

Among the rules of the senate adopted by it pursuant to the authority conferred on it by this section of the constitution and in force January 30, 1924, are the following:

"RULE 40. When a question has been once made and carried in the affirmative or negative, it shall be in order for a senator voting with the prevailing side to move a reconsideration thereof; but where the yeas and nays have not been had, this restriction shall not prevail; any senator may make the motion to reconsider."

"RULE 41. No motion to reconsider a vote shall be entertained unless it be made on the same day on which the vote was taken or on the next day on which a quorum is present."

"RULE 43. Nominations approved or rejected by the senate shall not be returned by the secretary of the senate to the governor or other officer until the expiration of the next executive session, unless it be the last day of the session; or while a motion to reconsider is pending, unless otherwise ordered by the senate."

Published journal of the Senate of the State of Mississippi for 1922, at page 1842.

Rule 43, above set out, was amended on February 6, 1924, some days after the vote on the resolution confirming the appellant's confirmation was reconsidered. This amendment, however, adds nothing here material to the rule as it existed on January 30, 1924.

Counsel for the appellant concede the power of the senate to "determine rules of its own proceedings" as to legislative matters, but seek to limit its power so to do in matters of an executive character, but the constitution, to which alone we should look in this connection, contains no such limitation. How this section of the constitution can be construed so as to exclude from it the right of the senate to determine rules of its own proceedings in transacting business of an executive character is not apparent, for the words in which the grant of power to the senate to adopt rules of procedure is couched are about as broad and comprehensive as the English language contains, and this court is without the right to ingraft any limitation thereon.

The legislature is a coordinate department of the government, and each house thereof is supreme in its own sphere, and no other department of the government has the right to interfere therewith. No reason is given for the distinction here sought to be drawn between the power of the senate to reconsider a vote on a matter of legislative character and its power to reconsider a vote on a matter of an executive character, and it is believed that no sound reason therefor can be given. Of course, as hereinbefore stated, when the senate confirms an appointment made by the governor, it is without power thereafter to revoke the confirmation; but under the rules of the senate which the constitution authorized it to adopt no vote on the confirmation of an appointment to office is final, and consequently there is no such confirmation until a motion to reconsider an affirmative vote thereon has been disposed of adversely or the time for the making thereof has expired without such a motion being made.

The provision of section 55 of the Mississippi constitution that "each house may determine rules of its own proceedings" was

taken verbatim from Article I, section 5 of the Constitution of the United States, and when the present Mississippi constitution was adopted there was, and still is, in force a rule of the Senate of the United States which provides that—

"Sec. 3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate," etc.

"Sec. 4. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate."

Rule XXXVIII, sections 3 and 4 of the United States Senate, which will be found on page 38 of the Senate Manual containing the standing rules and orders of the United States Senate, prepared under the direction of the Senate Committee on Rules, Sixty-third Congress, and published in 1915.

While the interpretation put upon this clause of the two Constitutions by both the National and State Senates is not binding on the courts, it is, to say the least, very persuasive as to its correctness and should not be departed from unless manifestly wrong. And that can hardly be here said in view of the following authorities which support the right of a Senate to reconsider an affirmative vote on the confirmation of an appointment to office: *Attorney General v. Oakman* (126 Mich. 717, 86 N. W. 151, 86 Am. St. Rep. 574); *People v. Davis* (284 Ill. 439, 120 N. E. 326, 2 A. L. R. 1650); *Allen v. Morton* (94 Ark. 405, 127 S. W. 450); *Baker v. Cushman* (127 Mass. 105); *Putnam v. Langley* (133 Mass. 204); *Wood v. Cutter* (138 Mass. 149); *Reed v. Deerfield* (176 Mass. 473, 57 N. E. 961); *State v. Foster* (7 N. J. Law, 101); *Whitney v. Van Buskirk* (40 N. J. Law, 467); *Conger v. Gilmer* (32 Calif. 75).

Mr. President, I have adverted to these authorities, which seem to me definitely to dispose of the legal question involved here, because, of course, the say-so of the President of the United States goes a long way, in the first place, and, in the second place, an effort has been made to convey through the press the idea that there is no question about this matter at all. Thus I have before me an editorial appearing in the *Boston Post*, from which I read, as follows:

PRESIDENT HOOVER IS 100 PER CENT RIGHT

President Hoover is 100 per cent right in his latest battle with the Senate. He will defeat this brazen attempt to obtain a throttle hold on Federal officials appointed under the law by the President and confirmed by the Senate.

Under the pretext of demanding that the nominations of three members of the Power Commission, previously confirmed and sworn in, be returned to the Senate so that they may be rejected now, lies the purpose of grabbing the President's prerogative of discharging or demanding the resignation of such officials, thus making the Nation's entire list of Executive appointees subject to the varied whims of that body of 96 men, a majority of whom seem to be imbued with the mission to set themselves up as dictators of this great country.

Think of what would happen if the Senate won this fight. General Dawes, our ambassador to the Court of St. James, might conceivably offend Senators because his style of pipe was not to their liking. They could demand that the President resubmit his nomination, whereupon it could be rejected, and the general would of necessity pack his bag and return to this country. Any Cabinet officer could be removed in like manner, and even Chief Justice Hughes and all the Associate Justices of the Supreme Court could be fired at any time a majority of the Senate wished them fired. The same rule would pertain to postmasters, as well as collectors of internal revenue, Army and Navy officers, anybody named by the Chief Executive for a certain post and once confirmed.

That is the kind of material that has gone out to convince the country that the Senate is endeavoring to usurp the powers of the President.

Let me remark that this editorial discloses dense ignorance of the question or unmitigated malice, either the one or the other, because it is not even contended that any such result will follow, the power of the Senate having expired after two executive sessions shall have ensued subsequent to the confirmation of a nomination.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. The editorial bases its contention upon the assumption about which the debate took place.

Mr. WALSH of Montana. Exactly.

Mr. BORAH. The editorial says "previously confirmed." The whole question is whether or not they had been confirmed. If in fact confirmation had been had, if the Senate had consummated its work, then of course we could not act

further. But that was the very question, had they been confirmed.

Mr. WALSH of Montana. Exactly; and the long argument of the Senator from West Virginia [Mr. Goff] proceeds upon exactly the same theory. Of course, if they have been confirmed by the final action of the Senate, there is no power in the Senate to recall them. Everyone concedes that.

Mr. PITTMAN. Mr. President—

Mr. WALSH of Montana. I yield.

Mr. PITTMAN. I think the Senator should reconsider the charge of malice. I do not believe a newspaper editor should be charged with malice without conclusive proof of it. I do not think it is out of the way to charge some of them with ignorance.

Mr. WALSH of Montana. I said it was either the one thing or the other. I did not undertake to say which.

Mr. GEORGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. GEORGE. I congratulate the Senator from Montana, because the Senator from Michigan [Mr. VANDENBERG], who is closely following the discussion, occupies a dual position. He is an able editor as well as a distinguished Member of this body. Perhaps if we succeed in persuading him as a Senator we may succeed in the same undertaking with him as an editor.

Mr. WALSH of Montana. In view of the situation I move that the nominations be recommitted to the Committee on Interstate Commerce, and if that motion is carried I shall then submit a resolution applicable to the matter before us.

I may say in this connection that I spoke in haste the other day when I said in the Senate that there was no way in which the validity of these appointments could be tested by the courts. A further study has satisfied me that the way is open. The Code of the District of Columbia has a chapter dealing with the subject of quo warranto, from which I read as follows:

231. A quo warranto may be issued from the Supreme Court of the District in the name of the United States—

First. Against a person who usurps, intrudes into, or unlawfully holds or exercises within the District a franchise or public office, civil or military, or an office in any domestic corporation.

Second. Against any one or more persons who act as a corporation within the District without being duly authorized, or exercise within the District any corporate rights, privileges, or franchises not granted them by the laws in force in said District.

And said proceedings shall be deemed a civil action.

232. The Attorney General or the district attorney may institute said proceeding on his own motion or on the relation of a third person.

Note, "on the relation of a third person."

But such writ shall not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator shall file a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court may prescribe, conditioned for the payment by him of all costs incurred in the prosecution of the writ in case the same shall not be recovered from and paid by the defendant.

233. If the Attorney General and district attorney shall refuse to institute such proceeding on the request of a person interested—

Note now, "on the request of a person interested"—

such person may apply to the court by verified petition for leave to have said writ issued; and if in the opinion of the court the reasons set forth in said petition are sufficient in law, the said writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of said interested person, on his compliance with the condition prescribed in section 232 of this title as to security for costs.

The Supreme Court of the United States has held that under that statute no person is an interested person unless he has some other interest in the office than such as pertains to the ordinary citizen or taxpayer of the District. Accordingly, Mr. President, it would seem as though the United States district attorney for the District of Columbia has the right to institute or decline to institute these pro-

ceedings. I shall accordingly, if the motion to recommit shall prevail, offer the following resolution:

Resolved, That the district attorney for the District of Columbia be and he is hereby requested to institute proceedings in quo warranto under the code of the said District in the Supreme Court thereof to test the right of George Otis Smith, of Marcel Garsaud, and of Claude L. Draper, each as a member of the Federal Power Commission; that he be requested to associate with him counsel for the United States Senate in such proceeding; that the chairman of the Committee on the Judiciary, in the event that the requests herein recited are acceded to, be and he hereby is authorized to engage such counsel at a cost not to exceed \$2,500, the expense of the litigation to be paid out of the contingent fund of the Senate.

I apprehend that the gentlemen who are so very positive that the power of the Senate is gone and that this is a usurpation of the Executive authority will be very glad to join with us in this method of getting an adjudication in the courts as to the right of the Senate in the premises.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. I wish to ask the Senator if he does not think that the case will be strengthened in the court, from a technical standpoint at least, if we should actually reconsider the votes?

Mr. WALSH of Montana. The Senator will understand that we have actually reconsidered them. Does the Senator mean if the nominations were rejected?

Mr. BORAH. I mean taking up the question as it comes from the committee and rejecting the nominations. It occurs to me that if the committee should report the names back and we should reject them, our position in the court, technically at least, would be very strong. The Senate then would have declared under its procedure that the nominees were not entitled to the offices. But if we have not taken final action might not the court well say, "This matter is still under consideration by the Senate"? Should the Senate confirm, the court would be without anything to decide.

I simply suggest this for the consideration of the Senator.

Mr. WALSH of Montana. I shall be very glad to confer with the Senator in respect of that question.

Mr. President, I had it in mind to ask that the nominations be recommitted with instructions to the committee to make a further exhaustive inquiry into the controversy which subsisted between Mr. Bonner on the one side and Messrs. Russell and King and probably Mr. Lawson on the other side, that the country at least might be advised of the real situation. I am moved to do it because of another editorial coming to my attention from a paper in the State of California which only expresses a not uncommon opinion prevailing that this was simply a kind of personal row between these gentlemen on the staff of the Power Commission. I read from the California paper, generally assailing the Senate as to the manner of the editorial from the Boston Post to which I have adverted. The editorial says:

The commissioners found a row raging in the office. The commissioners settled the row by cleaning out both sides.

That is all there was to it. It was kind of a personal row between some of these men. I had it in mind to ask that the nominations be recommitted with instructions to the committee to go into an exhaustive inquiry as to the real nature of the controversy which thus subsisted between these employees of the commission. But I find that that subject, as I was told by the chairman of the committee, has been pretty thoroughly explored by the committee, although but very little of it has come before the Senate or before the country, so that the idea persists, as I said, that this was nothing but a little personal quarrel. As a matter of fact those who have followed it realize that the controversy which was going on between these subordinates of the Power Commission is a controversy that is before the country to-day with respect to which I now desire to say something.

Mr. President, when the idea of developing hydroelectric power first addressed itself to the people of the country scarcely anyone realized the vast value that would eventually be found to reside in these great resources of the people of the country. Moreover it was to a very large extent an experiment, the commercial value of the power being of the very greatest question. But gradually electrical power came to be applied in greater and greater quantities to the purposes of the people and particularly to industrial uses, until these great power sites acquired and had an added value.

Originally, Congress quite freely granted the right to individuals and corporations to erect within navigable streams dams for the purpose of the generation of power, without any kind of restriction, simply giving them the right to construct dams. So out on the public domain the right was given to erect dams upon the public lands without any return whatever to the Government. But along about 1909 or 1910 the people began to recognize that that was a reckless and extravagant waste of natural resources and they began to insist, in the first place, that instead of granting a perpetual right, the right should be limited for a period of years and that there should be a substantial return to the Government. After having enacted quite a number of such statutes, granting the right to erect dams in the navigable streams, a change of opinion came over the country. I refer to the great Keokuk Dam at Keokuk, Iowa, across the Mississippi River, granted practically without any conditions and without any return whatever to the Government of the United States.

The people began to insist that certain conditions be incorporated in the laws. Eventually the Congress declined to grant any concessions of that character even upon conditions and demanded that there be enacted a general law applicable to the case, resulting in the enactment of the law of 1920, which provided that leases should be given by the Power Commission to erect dams, good for a period of 50 years, and that at the end of the time the Government or the State might take over the property, paying to the concessionaires or permittees the amount of the actual investment in the property.

Meanwhile the hydroelectric industry developed by leaps and bounds. I called attention some time ago in connection with another matter to the extraordinary development of great combinations, half a dozen of which controlled practically the whole country, a half dozen of them with assets, at least, with securities of one kind or another—stocks and bonds—in excess of a billion dollars.

Also attention was called to the fact that these great organizations had associated themselves together for the purpose of carrying on a propaganda all over the country in favor of private ownership of these utilities and against municipal ownership or public ownership in any form whatever; that in that connection vast sums of money had been spent by those organizations in endeavoring to convince the public that private ownership was the only method by which the people ought to be supplied and that public or municipal ownership was wasteful and extravagant and ought to be rejected; that in the accomplishment of that purpose they had printed books, purporting to be the work of eminent scientists throughout the country; that they had prepared textbooks to be introduced into the public schools for the purpose of influencing public opinion; that they had practically bribed professors in the universities to go around and deliver lectures all over the country in favor of their contentions; and that they had filled up the newspapers with all manner of editorials and news articles advocating insidiously their contentions, and so on. I need not dwell upon that.

However, it was also found, Mr. President, that their capitalization had been inflated to the limit, but the law of 1920, in order that the Government might know at the end of 50 years how much it would be obliged to pay for the property it was to take over, required that these corporations file statements concerning the actual investment which they had made in the various properties. The records of the Federal

Trade Commission and the Water Power Commission are replete with evidence of the grossest kind of inflation in the statements thus filed and contentions made, some of them perfectly ridiculous, concerning expenditures made in securing licenses and prosecuting developments.

Mr. WATSON. Mr. President, will the Senator from Montana yield to me?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. Yes.

Mr. WATSON. I have been detained from the Senate Chamber until the present moment, and desire to ask has the Senator made a motion? Is there a motion pending?

Mr. WALSH of Montana. I have made a motion to recommit.

Mr. WATSON. And may I ask the Senator for what purpose?

Mr. WALSH of Montana. I must go back—

Mr. WATSON. Will the Senator not state it just in a word?

Mr. WALSH of Montana. If the motion to recommit shall prevail, I shall then offer a resolution requesting the United States district attorney for the District of Columbia to institute proceedings in quo warranto to determine the title of these gentlemen to the offices they occupy.

Mr. WATSON. Then the Senator, evidently, has changed his mind since the debate?

Mr. WALSH of Montana. Yes; I said so. I said to the Senate that I had spoken in haste the other day, and had since convinced myself that there is a remedy in the law.

Mr. WATSON. And the Senator is making this motion now in the hope of getting this whole question into the courts?

Mr. WALSH of Montana. Exactly.

Let me remark, Mr. President, with respect to the inflation of the expenditures made by these various companies of the amount of their investment, that in the items included in statements now on file with the Power Commission the accounting office of the commission has questioned the validity of amounts aggregating \$110,182,280. In other words, if the statements made by the companies of their actual investments in the properties were accepted as correct, the Government of the United States at the end of 50 years would be obliged to pay over \$110,000,000 more for those properties than the accounting office of the commission believes it ought to pay. Bear in mind, Mr. President, this is only the statement of the expenses thus far incurred; and before the entire work shall have been completed no one can undertake to say what further claims of expenditures will be challenged by the accounting officers.

So the chief trouble with respect to this matter is that Mr. Bonner was desirous of hurrying these things over without the attention which the accounting office believed they ought to have. Mr. King, the chief accountant, is a capable man, an excellent accountant, but he is a mild-mannered man, he is not a fighter at all; but Mr. Russell, the solicitor, whose information comes from Mr. King about the matter, was the fighting man on the staff of the commission, who was prepared to bring the permittees and licensees before the commission and interrogate them concerning these items for the purpose of establishing whether they are or are not legitimate charges.

Mr. President, I feel justified in going into this matter at some considerable length, and, as I have said, it had the rather careful attention of the Committee on Interstate Commerce.

It may not be entirely logical to do so, but I want to read first what appears in the record concerning the capacity of Mr. Russell. I pay particular attention to him because the commission evidently has recognized its error in discharging Mr. King and has restored him to the place he formerly occupied. I read from page 5 of the hearings before the committee from a letter addressed by Mr. Russell to the executive secretary of the commission at the time he was seeking to be transferred from the Interstate Commerce Commission to the Federal Power Commission:

I was inducted into the Federal service on the 17th day of August, 1925, in the P-4 grade under civil service regulations.

In 1926 I was advanced to senior attorney and in 1927 my salary was increased in that grade; and in 1928 was advanced to principal attorney, which position I now hold at a salary of \$6,000 per year.

During my service of three and a half years with the Interstate Commerce Commission I have been continually engaged in the trial of valuation and recapture cases. Among the cases assigned to me were the Lehigh Valley, Central Railroad of New Jersey, the Wheeling & Lake Erie, the Sioux Lines, the Northern Pacific Railroad Co., the Southern Pacific Co., the Mississippi Central, the Baltimore & Ohio, and many other smaller roads.

I recently completed the valuation hearing of the Southern Pacific Co. and am now preparing a brief for the Bureau of Valuation in that case. I am also assigned charge of the valuation of the Baltimore & Ohio Railroad, the hearing upon which begins next Monday, the 21st. I have also been assigned as counselor in the valuation of the Western Union Telegraph Co., testimony regarding which valuation has been on before the commission for nine weeks subsequent to October 8 and is now in adjournment.

Necessarily, in all of the work that I have had to do with reference to the valuation of public utilities, I have absorbed a great deal of the engineering and accounting difficulties met in the solving of these problems, and, as to how well I have absorbed that information can best be expressed by those who are my superiors in the Interstate Commerce Commission.

I might say, Mr. President, that there will be found on pages 9 and 10 a letter from the chairman of the Interstate Commerce Commission to Mr. Merrill, the executive secretary of the Power Commission, which I read, as follows:

MAY 16, 1929.

Mr. O. C. MERRILL,

Executive Secretary Federal Power Commission,

Washington, D. C.

MY DEAR MR. MERRILL: I understand from you that the Federal Power Commission has under consideration the matter of engaging some one qualified to conduct hearings and prepare records in cases involving valuation, determinations of investment, and allied matters which come before your commission. I also understand that the name of Mr. Charles A. Russell, member of our bureau of valuation legal staff, is under consideration. Responsive to your questions as to his mental and technical equipment, and his abilities to fill such a position, I would say that he appears to me to be eminently well qualified. Mr. Russell has been with us for three or four years. He has been appearing as an attorney for the bureau in cases protested by the carriers. Out of a field of some 30 attorneys we engaged for closing up the primary valuation of railroads, Mr. Russell has made a distinctive place for himself. This is attested by the fact that he has been handling some of our largest and most important cases. He has the reputation of preparing for hearing of cases that are assigned to him with great thoroughness. He seems to have extraordinary powers of penetration and in the assembling of facts that ordinarily might not be brought into the range of knowledge of a case. His training as a lawyer and the intimate interest that he evinces results in his making a forceful presentation on argument.

As to his training: It has been particularly fortunate for our valuation work. He has had a great deal of original contact with the theory and work of utility and common-carrier valuations in the Northwest—Montana, Minnesota, and Wisconsin—where there has been a considerable militancy in the field of regulation for years. He has an understanding grasp of engineering and accounting which are vital, both in the work of valuation and the determination of investment.

As the representative of the Interstate Commerce Commission to whom has been delegated the contact with the bureau of valuation, which involves a considerable degree of administrative direction, permit me personally to say that I would deplore losing Mr. Russell. That may be the highest commendation that I may give him. On the other hand, the opening here seems to offer advancement and increase in salary which under our organization is not at this time possible here. If that is the fact, I feel that I should not stand in his way by objecting to transfer if your commission should desire to employ him. But if it does not carry such increase and advantage, I would object to transfer.

Very truly yours,

E. J. LEWIS, Chairman.

Mr. President, that is the introduction of Mr. Russell to the Power Commission; and I assert that the record can be searched in vain for anything in his conduct as solicitor for the Federal Power Commission that indicates in any way whatever that he was less true to the interests of the Government and the people before that commission than he was before the Interstate Commerce Commission, or that he discharged the duties of his new office with any less degree of fidelity or capacity than that which he had exhibited in connection with his previous employment.

Mr. Russell told that before he went over to the Power Commission he was called up by Mr. Bonner, who desired him to come over and have a conference with representatives of the power interests. Mr. Russell demurred some-

what to that, but finally went over and met Mr. Leighton. His story about that is told in the following language—I read from the record:

Senator WHEELER. What did Mr. Leighton want to talk to you about?

Mr. RUSSELL. To make it short, he told me how to run the solicitor's office. I can go into details if you want me to, Senator.

Senator PINE. Who else was present?

Mr. RUSSELL. Mr. Bonner and the chief Army engineer.

Senator WHEELER. Who is that?

Mr. RUSSELL. Major Edgerton.

Senator WHEELER. I think it would be well for the committee to know just what your conversations were with Mr. Leighton or the group.

It might be said that Mr. Leighton was the representative of the Electric Bond & Share Co.

Mr. RUSSELL. The conversation and conference there lasted for a matter of probably two hours or more. I could not begin to give you everything that was said during that time. The substance of it was that Mr. King was a nice man, but that he was too meticulous; he was too insistent upon going into these companies' accounts; that the power companies were very much pleased with my appointment. They felt that the commission had made a wise move in obtaining a man of my experience and ability, and that I would be in position to tell Mr. King not to insist upon so many of these accounting matters that Mr. King was insisting upon; and they proceeded to tell me the difficulties in complying with these requests, that it meant the expenditure of money in large sums, great delay in time, all of which would be charged up to the public, and that Mr. King ought not to insist upon all of this detail information; that they were filing these reports under oath and that we ought to accept them at their face value.

He went on and began to tell me about a case up in Minnesota known as the Winton project—I did not know what it was then—that Mr. King had changed an allocation of \$7.50 for some window curtains to \$5.33, I think it was. He complained that at another place Mr. King had had the brick counted in some building. He had three or four little picayunish things of that kind, and I finally said, "Mr. Leighton, that does not amount to anything to me. Where it is a pure question of judgment and there is no principle involved, matters of that kind ought to be passed up. But what are your big questions?"

And then he began to tell me about Mr. King insisting upon their filing certain reports. For instance, he told me of one that Mr. King had requested, and he said they spent weeks to make it up; that it was a matter of some 600 or 700 pages that they had compiled in answer to Mr. King's inquiry, and after they had gotten it to Mr. King, Mr. King came back and insisted upon further information, all of which they had covered.

And he elaborated at great length upon that.

The fact of the matter was that after I got down to the Power Commission and asked Mr. King about it I found that they had prepared an exhibit of about 600 or 700 pages in answer to Mr. King's question that never answered the question at all, but which could have been answered on about 5 pages of typewritten paper.

He went on at great length to state that I was in position or would be in position so that I could tell Mr. King, in other words, to use a slang phrase, to "lay off" this power company.

We then started on the question of depreciation, and he said, "I don't know anything about depreciation, I am an engineer." He said, "I wish you would have a conference with six of the comptrollers of the big power companies some time after you get down here, and I want you to take this depreciation matter up with them and talk it over with them."

It is perfectly evident, Mr. President, that at that time, or immediately thereafter, the power companies were engaged in an effort to get King out of the way. The dismissal by the Power Commission on the 22d day of December last was but the culmination of an effort which had its inception immediately prior to the time that Russell was appointed solicitor and Bonner executive secretary; for they went into office contemporaneously. That appears indisputable from the fact that there was circulated around a document from its make-up and its context obviously prepared by the power companies or by some representative of the power companies, in all probability by Mr. Leighton. Nobody seems to know exactly where it came from, but, among other things, it had the following:

The electrical industry is particularly interested in the engineering department, which has charge of the investigation of proposed projects and the issuance of the licenses. Under Col. I. C. Kelley, the first chief engineer, now vice president of the Niagara Falls Power Co., and his assistant, Major Bennin, now with our own National Electric Light Association, a considerable number of licenses were granted. Recently, however, the conditions under which licenses have been issued have been made more stringent, and possession of Federal water power for any except the very near future development has been hard to acquire.

Our interest in the accounting department of the Federal Power Commission may be concisely stated as being negative. This department would be expected to assemble the information as to the actual original cost and other accounting facts necessary for the determination of the cost of recapture. Despite our efforts to curtail the work of this department, it appears to be expanding, and, as later stated, some of the activities of this department have very critical aspects for the electrical industry as a whole.

We were not so fortunate in the appointment of the chief accountant, Mr. William V. King. The act specifies the classification of accounts for steam railroads as prescribed by the Interstate Commerce Commission as a guide. Mr. King was formerly an accountant for the Interstate Commerce Commission, and in his new capacity was successful in having Mr. Merrill approve and the commission adopt a system of accounts for Federal water-power licensees that follows the standard of the Interstate Commerce Commission's classification of accounts for steam roads.

Observe that this document complains about the adoption by Mr. Merrill, at the instance of Mr. King, of rules for classification and accounting exactly the same, so far as they were applicable, as the rules of the Interstate Commerce Commission for the valuation of railroads. But the law, the Federal power act, in precise terms required just exactly that thing to be done; and the complaint made in this document is that Mr. King and Mr. Russell were honestly endeavoring to carry out the law.

This peculiar document continues:

Another activity, of which we do not approve, especially at this time, of the Federal Trade Commission investigation—

Observe, "Another activity of which we do not approve, especially at this time, of the Federal Trade Commission investigation"—

is the activity of this accounting department in seeking definite information concerning charges by our engineering and management concerns for services billed such subsidiary companies as held licenses for the construction of Federal power projects.

We were told here in the Senate some time ago that in the investigation thus carried on by the Federal Trade Commission the services which the superior company, the holding company, rendered to the subordinate company were charged to them at something like two hundred times the actual cost to the company furnishing the service.

The new rules of practice and procedure of the commission just recently adopted provide for the making public of the reports of the commission's examiners of accounts.

The foregoing statement shows how critical is the situation which now results from an increased appropriation from Congress which is to provide for an increase in the personnel, and consequent activity, of the accounting staff of the commission.

Observe that they now complain about the Congress of the United States having provided further personnel to carry on this work of the commission which is found by them to be so objectionable.

We have made representations to the water-power development committee of the United States Chamber of Commerce that this accounting work could be better done by the Departments of War, Interior, and Agriculture than by the commission's staff directly.

Then it clearly appears that the power companies wanted this accounting work done, not by the commission's own staff but by the staff of the War, Interior, and Agricultural Departments.

Mr. WHEELER. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to his colleague?

Mr. WALSH of Montana. I yield.

Mr. WHEELER. Let me call to the Senator's attention that in line with what the power companies wished, Mr. Bonner constantly was calling upon the War Department, and constantly trying to carry out the policy that was laid down by the power companies themselves in this article. Not only that, but my information is that the present commission is attempting to do the same thing, although when the present law under which the commission is working was before the Interstate Commerce Committee we attempted as nearly as we could to say specifically that we wanted it done not by the War Department but by the commission.

Mr. WALSH of Montana. I shall proceed to show that one of the major controversies between Bonner on the one side and King and Russell on the other appertained to this very thing. Bonner wanted to transfer the accounting over

to these other departments, as was desired by the power companies in this document, and that gave rise to one of the major controversies between them.

I continue reading from this document:

If this committee is successful in presenting this argument to the Secretaries who form the commission and further direct enlargement of the accounting staff is prevented, it is believed that these departments will not have men specially trained for this work. At least, they will be removed from the direct supervision of Mr. King.

That was the controversy, Mr. President. They wanted to get this matter of accounting out of the hands of Mr. King. I shall show later on that the old commission would not agree to that, and they finally accomplished it by the removal of Mr. King on the 22d day of December last.

I read further from page 17 of the hearings, Mr. Russell being on the stand:

Senator WHEELER. I understand that the secretary of the commission recommended, did he not, the abolition of the attorneys in the Power Commission?

Mr. RUSSELL. I did not just get that, Senator.

Senator WHEELER. I have heard it rumored that the secretary recommended that they do away with the solicitor up there and counsel.

Mr. RUSSELL. All I know about it is what Mr. Bonner said in the House hearings on appropriations.

Senator WHEELER. What was that?

Mr. RUSSELL. I would prefer that they speak for themselves. I have not any copies—yes; I have, too, a copy of it here.

Senator WHEELER. Did he also recommend that they do away with the accounting department?

Mr. RUSSELL. Mr. Bonner left Washington and went back to San Francisco on the 16th day of July, as I remember it. He returned to Washington about a month later. So that up until the middle of August we had had no discussions about the policies of the commission at all because during the first two weeks I was busy getting settled there and so was he.

After he came back, and some time in the latter part of August or the first part of September, he began to talk to us about transferring the accounting over to the other departments—the War, Interior, and Agricultural Departments. That brought on a considerable controversy between him and Mr. King. Mr. King being of the opinion that such procedure could not be sanctioned; that these other departments did not have the men that were qualified for this work.

Mr. Bonner addressed a letter upon this subject to the Secretary of the Interior of date November 18, 1929. I read the two concluding paragraphs of that letter, as follows:

4. Through their field offices, the Departments of War, Agriculture, and Interior are in a position to bring much of the commission's accounting, now in arrears, up to date without additional personnel or expense to the Government. For example, the only cost account which has been referred to an executive department was handled with promptness, as indicated by the record attached hereto. It is true that this was not a large account, but it will illustrate the possibilities.

5. In view of the foregoing, I recommend you approve as a principle of administrative procedure that the prelicense cost statements of applicants for licenses and the construction cost statements of licensees be referred as far as practicable to the Department of War, Interior, or Agriculture for examination and recommendation prior to review by the accounting section of the office of the commission.

F. E. BONNER, *Executive Secretary*.

Senator BROOKHART. Is that one of the points that was a reversal of policy that you mentioned?

Mr. RUSSELL. Yes. That followed the statement that I was about to make, that this began after Mr. Bonner came back from San Francisco in the middle of August, and culminated—I have forgotten the date, now, Senator.

Senator DILL. Was that recommendation carried out?

Mr. RUSSELL. The first that Mr. King and I knew of it was when our stenographers handed it to us; and Mr. King immediately prepared a memorandum to Mr. Bonner objecting to the carrying out of that policy at all and pointing out clearly that it could not be done.

So that this recommendation of the executive secretary, Mr. Bonner, was made to the Secretary of the Interior without even conferring, without even consulting, with the chief accountant or the solicitor.

I read now from page 19, as follows:

After Mr. King had prepared that memorandum, which is here in your files—

That is a memorandum of Mr. King, setting forth the reasons why he believed that was an unwise policy—

Mr. RUSSELL. After Mr. King had prepared that memorandum, which is here in your files, I indorsed the memorandum with

another one of my own, and we were going to leave the matter there, when, after mature reflection, we said, "That will be the end of it." So we made copies of the two memorandums and sent them to the individual members of the commission.

The result was that the commission immediately, or shortly afterwards, called a meeting on November 27, which was the last meeting that it had, by the way, and at that meeting we threshed out the question; and the order that was there made was in effect nullified, in my opinion, because Mr. King was directed to get the employees from the other departments if he could, and go on with the work.

Mr. Russell continues:

After he came back from San Francisco, Mr. King and I together at one time, and he and I at another time, and he insisted that this work could be done by the other departments, Mr. King and I insisting that it could not be done by the other departments. Then he wanted to take short cuts and not do these things the way King wanted them done, and he said it was my duty to tell Mr. King to lay off from that and to do it the way Bonner said it was to be done.

In one conversation he said to me—he wanted to do something in a certain way, and I said, "You can't violate the law. The statute requires this to be done that way, and we are required to do it." He said, "I think it is your duty as the solicitor, when I find unworkable provisions of this water power act that can not be complied with, to find me a way around it."

By way of illustration of this work, reference is made to a statement filed by the Niagara Falls Power Co.

I think it was on December 4, 1929, after many conversations with Mr. Bonner about it, in which we were told to let it alone and not to do anything about it, I addressed a memorandum to him, which you will find in these files, calling his attention to the fact that this valuation was 9 years old, and every day it got that much older, and that we should get a valuation engineer and a valuation accountant to get us started on the way toward preparing an inventory and getting the thing done.

His answer to my memorandum—and you will find it in the files—was that that was being handled by the proper persons. I never found out who they were, except that I have been informed and I have seen the engineers in his department reading law books. The matter has never been referred to me at all since that day. There it remains. What they have done with reference to it I do not know. It has not been referred to me.

Senator WHEELER. In other words, Bonner is having engineers pass upon legal questions and not referring them to the legal department. Is that it?

Mr. RUSSELL. That was done as late as yesterday or the day before.

Senator DILL. Have you men available to go ahead?

Mr. RUSSELL. I could if they would give me the men and the money.

Senator DILL. Are there sufficient appropriations to do that?

Mr. RUSSELL. There is sufficient appropriation now to cover the employment of such an engineer. It will take him several months to complete the inventory and to develop the unit prices to be applied to the inventory on the items of property. We have a sufficient appropriation to do it, but it has not been done. That money has been available ever since July 1 of last year.

Senator BROOKHART. The law requires that to be done?

Mr. RUSSELL. It does.

Senator BROOKHART. Mr. Bonner has never called that to the attention of the commission and had them pass on it directly?

Mr. RUSSELL. Not so far as I know. I have never discussed it with the commission myself.

Senator WHEELER. What are some of the legal questions involved which they are asking the engineers to pass upon?

Mr. RUSSELL. The claimed value of the Niagara Falls Power Co., as I recollect—and I am speaking now in round figures; I may be off some amount—is about \$77,000,000 as of March 2, 1921. The fact of the matter is that all we can find in the investment account, and I think Mr. King can confirm me on that, is a matter of about \$32,000,000. The rest of these depends upon the interpretation of the legal rights to the inclusion of certain amounts in valuation.

Understand, Mr. President, the company is claiming an investment of \$77,000,000, and all the accountant can find which he considers legitimate expenses is \$32,000,000.

Now I want to go back to remind the Senate that when Russell had the conference with Leighton, Leighton told about how foolishly King was acting in reporting little items of \$5.33 instead of \$7, and something of that kind. Those were the things about which he complained the power companies were being pestered, were being annoyed, but he was quite silent upon this little item of the difference between \$32,000,000 and \$77,000,000 in the value of the Niagara Falls Power Co.

I read on:

Senator BROOKHART. It sounds just about like railroad men to me.

Mr. RUSSELL. They come pretty close to it, Senator.

Senator DILL. Are they going to take into consideration the value of a permit or franchise?

Mr. RUSSELL. They have got \$30,000,000 in there as the value of the water that the Government gives them, and the Government takes it back at the expiration of the license, and this \$30,000,000 is capitalization for the public to pay rates upon and for which they ask the Government to reimburse them at the expiration of the license.

The Supreme Court of the United States held in the Sault Ste. Marie case that the riparian owner has no right to compensation for any water right he may claim is incident to his land; that he has no right by reason of riparian ownership to claim any damages on account of deprivation of the right to use the water going down the stream for power purposes. But this company just blandly puts in \$32,000,000 for water rights which they got from the Government of the United States by act of Congress, without paying a dollar for them.

Lobby fees are found to be included in these items of expense going into the net investment of these power companies, so Mr. Russell said, and he was asked to give an instance. I read:

Mr. RUSSELL. Certainly, Senator. I will give you an illustration right now. I haven't it here with me, but there is one item of one of the power companies of \$140,000 that is labeled by the power company themselves as lobbying fees, in a letter to the commission, and I find \$140,000 set up as an actual cost of construction of the project.

Senator BROOKHART. What company was that?

Mr. RUSSELL. That is the Byllesby Co., and it is charged to projects 350, 285, and 310.

Senator WHEELER. When do they charge that the lobbying was done?

Mr. RUSSELL. On the water power bill between 1917 and 1921.

Senator WHEELER. They have spent \$140,000 lobbying in connection with that bill?

Mr. RUSSELL. They paid one man monthly items on the bill. I did not bring it with me. I have it over in my office.

Senator BROOKHART. Who was this lobbyist?

Mr. RUSSELL. His name was Flynn.

Senator WHEELER. Where is he from?

Mr. RUSSELL. I do not know. He is now a member of the firm of Cummins, Roamer & Flynn, who are the attorneys for the Byllesby people in Chicago.

Senator PINE. And they charged that amount to power properties in Minnesota?

Mr. RUSSELL. They charged it as actual cost of construction of those properties and it is entered in the account.

Senator PINE. And they are going to permit the people of Minnesota and Wisconsin to pay on that as long as they use electricity in Wisconsin and Minnesota?

Mr. RUSSELL. Yes.

Senator WHEELER. The Government would have to pay back the money that the company paid for lobbyists?

Mr. RUSSELL. Certainly.

Senator WHEELER. Have you any other cases of that kind?

Mr. RUSSELL. Mr. King can give you illustrations of a great many of them. I can tell you one, now, of \$700,000 that I know of in Pennsylvania.

Senator WHEELER. For lobbying?

Mr. RUSSELL. Yes.

Senator WHEELER. Do you mean to say that they put in a bill for \$700,000 for lobbying?

Mr. RUSSELL. We do not know what it is, Senator. There is some of it for lobbying or for something else, which we have been unable to find out.

Now I read from page 26:

Senator WHEELER. I would gather from what you say that you feel that Mr. Bonner is not in sympathy with your efforts.

Mr. RUSSELL. Not at all.

Now I read from page 23:

Senator WHEELER. Do I understand that Mr. Bonner has practically turned over the legal work of the department to the engineering department down there?

Mr. RUSSELL. I do not know, Senator; but up until about two weeks ago he had not referred a matter to me for months. He has referred to the chief counsel matters that I should pass upon. They were not referred to me.

Senator WHEELER. Do you know why that was?

Mr. RUSSELL. I do not. That occurred shortly after the Montana hearings.

Senator WHEELER. Why did he do it after the Montana hearings?

Mr. RUSSELL. Well, I can not tell you why. I know he did.

Senator WHEELER. Was there anything that took place in that hearing that would lead you to believe that that was the reason for it?

Mr. RUSSELL. He ordered me out of the hearing.

Senator WHEELER. Out of what hearing?

Mr. RUSSELL. The Montana power hearing.

Senator WHEELER. Why did he order you out of that hearing?

Mr. RUSSELL. He said it was because he did not like the questions I was asking.

Senator PINE. What questions were you asking?

Mr. RUSSELL. The Montana power hearing, Senator, was a matter in which I as solicitor would have nothing, ordinarily, to do with. That is my home, out there, and I am familiar with the local situation.

Up until three or four days before the hearing in the Montana power case—it is the Rocky Mountain case, properly—

Senator WHEELER. The hearing on the Flathead power site?

Mr. RUSSELL. Yes. Numbers of people had asked me about my appearance in that matter, and I had repeatedly told them that it was in the jurisdiction of the chief counsel and not mine, and I had nothing to do with it.

On Friday preceding the Monday that the hearing began Mr. Scattergood, of the Indian Bureau—assistant commissioner, I believe he is—brought to me some matters of accounting that he wanted brought out. He had worked out some sort of a plan that he wanted developed. We called Mr. King in and discussed it with him, and I then told him that that was not within my jurisdiction, and we called Mr. Brown, the chief counsel. Mr. Brown, Mr. King and myself and Mr. Scattergood—I don't remember whether Mr. Lawson was present or not—however, it resulted in Mr. Brown requesting that due to my familiarity with the local situation out there and familiarity with accounting matters that I should sit in at this hearing and conduct questions on those matters.

I then spoke to Mr. Bonner about it and he said it was all right with him, whatever Brown said.

So when the hearing began on Monday I sat with the other members of the staff in the hearing, and on Tuesday when one of the applicants, Mr. Wheeler, was on the witness stand, I asked him some questions about whether or not he intended to have his company operating its plant supervised by some management corporation like the Electric Bond & Share or the Byllesbys, and he said, no, he did not.

Then on Wednesday, the next day, a Mr. Burch, an engineer whom I have known away back in my Wisconsin days, was on the witness stand and was testifying about the rates of this applicant company, and during his testimony I asked him a question as to whether or not the fact that a corporation was managed and controlled by one of these management corporations would affect the rate to be charged, and he said that it would; that that would simply create additional expense that would have to be met in the rates.

Senator WHEELER. How would that be? I am not familiar with those holding companies.

Mr. RUSSELL. These holding companies simply add more on.

Senator WHEELER. How do they do it? Take any specific company and give us an illustration.

Mr. RUSSELL. Senator, that would take me quite a long while, and I would prefer that Mr. King do it, because he is more familiar with it than I am.

The CHAIRMAN. It is about the same as the 4 per cent rate charged by the A. T. & T. for supervising the various companies?

Mr. RUSSELL. Oh, no, Senator. They put in there charges that you can not recognize. They are not based on percentages at all. If they were, it would be a simpler matter.

Thereupon, on Thursday morning, Mr. Bonner called me on the telephone and said to me that he did not like the questions that I was asking and wanted me to stay out of that hearing. He asked me who I represented, and I told him that I was trying to present the record the best I could. He said, "I know what goes into that record, and I know what I am going to have in that record, and I want you to stay out of the hearing."

And so I stayed out. That is all the story there is to it.

Senator WHEELER. After that you went back into the hearing, did you?

Mr. RUSSELL. Secretary Wilbur, when it was called to his attention, requested that I go back into the hearing, and I remained in it until it closed.

To go back to the Niagara Falls matter, I read from page 30, as follows. This is an examination by Mr. Green, the counsel for the commission:

Mr. GREEN. With reference to this Niagara Falls project, there is one matter to which you called attention in your memorandum of January 7 that I think is important to get on the record, and that is with reference to the difficulty in making a valuation of that project because of the inability of the accountants to get records.

Mr. RUSSELL. Yes. When I went down there and discussed these matters with Mr. Merrill prior to the time I became solicitor, Mr. Merrill pointed out to me that there were six companies, I believe, that had refused access to their books and that we would have to proceed immediately to get possession of these books before we could do anything.

Immediately after I went down there I began to inquire what these cases were, and in looking over the records I found that the demand went away back 3 or 4 or 5 years ago, and I was somewhat fearful of attempting a mandamus action under those circumstances. The court might say, "You have not tried it lately; maybe they will give them to you now."

I brought the matter to Mr. Bonner's attention, that there ought to be new demands served in writing and to get a refusal in writing so I could proceed. But he said, no; there was certain other work that had to be done, and he would not let me do it; and the matter rests there now.

Mr. GREEN. Is it possible to make a valuation of the Niagara Falls project without getting access to the records of the constituent companies?

Mr. RUSSELL. It is not. You can not get a valuation on any of their projects unless you get access to the cost of construction.

Observe, Mr. President, that the predecessor of Mr. Bonner, Mr. Merrill, called the attention of Mr. Russell to the fact that these demands had been made for an opportunity to inspect the books of the constituent companies, and it had been refused, and he insisted that Mr. Russell should take the matter up and get an opportunity to examine the books; but Mr. Bonner said no, they had some other matters they wanted to take care of, the work now being nine years behind.

I now leave the testimony of Mr. Russell and pass to that of Mr. King, whose testimony was introduced by putting into the record a memorandum made by him, heretofore referred to, giving his views as to why the accounting work should be done by the commission itself and not be left to the other departments. This memorandum is so important, in my judgment, that, although it is quite lengthy and I shall not undertake to read it, I shall ask unanimous consent that it may be inserted in the RECORD without reading.

The PRESIDING OFFICER (Mr. Fess in the chair). Without objection, it is so ordered.

The memorandum referred to is as follows:

1. In order to understand the discussion or controversy that has arisen regarding the accounting and valuation work of the Federal Power Commission it is necessary to know about and consider some of the things that have taken place in the past.

2. Legislation which finally resulted in the passage and approval on June 10, 1920, of the Federal water power act was pending before Congress for 10 or 15 years, and several bills were introduced and considered from time to time. During all of this period the power interests were attempting to have a bill approved which would permit the private development of the power sites. On the other side was a group of individuals who advocated the development of the water powers of the country by the Government. The bill that finally passed was a sort of hybrid. It provided for the leasing or licensing to and the development by private interests of power sites controlled by the Government for a period of not to exceed 50 years and for recapture by the United States at the end of the license period or—what is more important—the transfer of the power project and of the license therefor to a State or municipality, or even to another power company, at a price to be determined by rules set forth in the act itself. This price is designated in the act as the "net investment." Stripped of all technicalities, "net investment" is the actual legitimate investment in the project as determined under certain rules and principles designated in the act less certain reserves to be created out of the hearings of the project, of which the most important are the amortization and the depreciation reserve. The deductions, however, are subject to the provision that the licensee shall first have a fair return on the investment. In other words, the actual legitimate investment in the project is to be determined; the licensee is to be allowed a fair return on that investment; and if there are any earnings left over in excess of a fair return then a part only of such excess is to be used in amortizing the original investment in the project for the benefit of the public or the future consumers of the power developed by the project. Accounting of a very high order is necessary to administer and enforce these "net investment" provisions.

3. The power interests did not get all that they wanted in the way of a law. They got a law which permitted the development of water-power sites by private interests, but there were certain restrictions in that law which they did not like. The law prevented the exploitation of the water powers controlled by the Government. Under the act as approved they could not capitalize the estimated value of the license or of the power site, or of the water rights, or of the lands, or of the rights of way, etc., pertinent thereto; nor could they include arbitrary promotion fees or charges in the capital account, or more than the actual money value of securities issued for acquisition of property, or arbitrary salaries for officials, or arbitrary fees of holding companies and their affiliated concerns, or many other of the items which they were in the habit of charging to property investment account. Under the provisions of the act they could lawfully charge nothing to the property investment account of a licensed project except actual legitimate cost of property and services.

4. Having failed in obtaining the kind of a law they desired, the next move of the power interests after the passage of the Federal water power act was an attempt to have approved by the Federal Power Commission rules and regulations which would permit the power companies to do certain things which were prohibited by the act itself. The power interests were, of course, in favor of those features of the act which permitted the issuance of licenses giving them possession of the power sites. Their attempt, therefore, was to have approved by the commission rules and regulations which would, practically speaking, make inoper-

ative those provisions of the act relating to net investment. They objected very strenuously to the adoption by the commission of any regulation providing for the establishment of a depreciation reserve, and they also denied the authority or the duty of the commission to establish rules and regulations governing accounting. The controversy over depreciation and accounting regulations extended over a period of almost two years before such rules and regulations were promulgated, and these matters are still in controversy. While the rules and regulations of the commission were being considered it was repeatedly asserted by representatives of the power interests that they had a part in the preparation and passage of the Federal water power act, that they knew what was meant by certain passages and provisions of the act, and that Congress never intended that the act should be construed and administered as proposed by the commission's staff.

5. The power interests were unsuccessful in having adopted by the commission rules and regulations to their liking. Having failed, therefore, in obtaining the kind of a law they desired and having failed also in having adopted by the commission rules and regulations which would practically ignore or make ineffective those provisions of the Federal water power act relating to net investment, their next move was to make or attempt to make ineffective and inoperative those rules and regulations relating to net investment by failure and refusal to comply therewith.

6. The act provides that all licenses issued thereunder shall be conditioned upon acceptance by the licensee of all the terms and conditions of the act, and in the case of each license issued the licensee has executed a formal acceptance of such terms and conditions and of the rules and regulations established thereunder. However, an examination of the official records of the Federal Power Commission since its organization, and particularly since the adoption of its rules and regulations in 1921 and 1922, will show that by various and sundry means certain licensees have in every way imaginable attempted to prevent the application of the commission's rules and regulations, and in such attempt they have been largely successful up to this time. The records will show failure to answer correspondence, failure to comply with requests for information, failure to file statements and reports when requested, failure to give, in statements and reports filed, the information and data requested, failure to comply with the commission's regulation on depreciation, failure to comply with the commission's rules and regulations on accounting, failure to keep and maintain the necessary records for verifying their accounts, failure to produce records which were in existence and which were necessary in determining the propriety of charges to their property account, etc.

7. In addition to failures to supply the information and data, as outlined in foregoing paragraph 6, certain power interests have used obstructive tactics of various kinds. It has been their policy to delay and postpone, and particularly it has been attempted to prevent any issue relating to net investment being presented to and passed upon officially by the commission. Although the commission has been organized for more than nine years, there has not as yet been a single decision or opinion of the commission relating to a question involving the interpretation or application of those provisions of the act relating to net investment or of its accounting rules and regulations. Numerous reports relating to questionable charges to property investment accounts by the power companies have been made from time to time by the accounting division, but so far nothing has been done about it—that is to say, no definite decision has been announced by the commission, nor has the commission formally considered any of such questions. In fact, none has been formally presented to it for consideration. The power companies always find some reason or excuse for delaying or deferring the presentation of such questions to the commission for action. It would seem that the last thing the power interests desire is a hearing at which all facts regarding their methods and practices in connection with accounting, financing, etc., could be disclosed and discussed and made public.

8. When the commission was first organized it was confronted with a large number of applications for preliminary permits and licenses. It seemed imperative that these applications be handled and disposed of as expeditiously as possible. The work of considering and passing upon such applications was largely of an engineering nature, and in organizing its forces the commission arranged very properly for the services of a number of engineers. The executive secretary was an engineer. There were detailed by the War Department a chief engineer and an assistant chief engineer and several other engineers. Some 8 or 10 in all were detailed by the Departments of War, Interior, and Agriculture. The field work necessary in investigating and passing upon the applications first filed with the commission and those since filed were referred to the engineering sections of the field offices of the three departments named, which seemed to be and perhaps are and have been very well equipped to handle and investigate the applications. This part of the commission's work has always been handled with reasonable dispatch and in a reasonably satisfactory manner.

10. When the commission was organized, in 1920, it was thought that the accounting work and particularly the auditing of the project accounts was not of immediate importance, and it was assumed that the necessity for accounting rules and regulations would arise chiefly upon the beginning of construction and the completion of licensed project. It was not until October, 1920, that the services of a chief accountant were obtained, and shortly thereafter an assistant accountant was employed. The first work taken up by such employees was the preparation of accounting

rules and regulations as required by the act. As hereinbefore stated, a controversy immediately arose with the power interests, represented by the National Electric Light Association, and it was not until November, 1922, that accounting rules and regulations were finally established.

11. Up until 1925 the accounting staff, except for stenographic and some clerical help, consisted of the chief accountant and one assistant. In 1925 an additional accountant was employed, and there have been slight increases in the force in 1928, 1929, and 1930. However, from the date the commission was organized, in 1920, up to December 31, 1929, there had been an average of less than three accountants on the accounting staff. This may be compared with about 8 or 10 engineers constantly in the service at the Washington headquarters alone since the time the commission was organized. For a number of years, and until 1929, the staff of the commission at its headquarters in Washington consisted of some 30 to 33 employees, and about half of these were engineers, clerks, and stenographers doing engineering work. The remainder of the commission's staff consisted of the chief clerk, mail clerk, filing clerk, two attorneys, a librarian, a few stenographers, and miscellaneous clerks and messengers, besides two or three persons in the accounting division. Primarily, the staff of the commission up to this time has consisted of an engineering organization, and the real work of the commission has been directed to the investigation of applications and the issuance of permits and licenses, and the accounting and valuation work has been permitted to lag and to become in arrears, due to lack of sufficient personnel and of an organization properly to do the work and to administer the provisions of the act and of licenses after issuance. Attention has been called to this situation in practically all annual reports prior to the ninth.

12. The foregoing statement will indicate some of the reasons why the accounting and valuation work of the commission is now in such a deplorable condition. In the first place there has not been available a sufficient number of persons to do this work, and in the second place there has been opposition of the power interests to having it done currently or at any other time. The accounting and valuation work of the commission never will be brought up to date and placed upon a satisfactory basis until some one in authority, and in sympathy with the provisions of the act relating to net investment, and with the courage and ability to enforce the accounting rules and regulations prescribed by the act and promulgated by the commission, takes charge of the situation, arranges for hearings and an open discussion of the numerous questions raised, and until the commission passes upon those questions and issues its decisions and orders, or tells the power companies that the methods and practices which they have been heretofore pursuing are proper and legitimate.

Mr. WALSH of Montana. I continue reading from the hearings, as follows:

Senator PINE. For whom was that statement made, and to whom was it sent?

Mr. KING. It was not made for anyone, nor has it been sent to anyone as yet. I prepared it in connection with another matter or another memorandum which has not yet been completed.

The CHAIRMAN. Why did you make that memorandum and not present it to anybody?

Mr. KING. For some time there has been discussion as to the propriety of delegating the accounting work of the Federal Power Commission to the several departments—War, Interior, and Agriculture. There have been some statements made by the executive secretary and the chief engineer of the commission that those departments were fully equipped to do the accounting work of the commission. The executive secretary and the chief engineer are both recent employees, or comparatively recent employees, of the Federal Power Commission; they have not been with the commission since its organization, as I have; they are not familiar with the conditions which have confronted the commission since the time of its organization; they do not know what the attitude of the power companies is. I prepared that memorandum in answer to a statement, I think, that was filed by the chief engineer of the commission at a hearing before the Committee on Appropriations of the House of Representatives on the independent offices bill, and it was done in order to inform him of some of the conditions that have existed and that now exist and that I thought he was not familiar with.

The CHAIRMAN. What has stood in your way all these years from presenting these matters to the commission itself?

Mr. KING. The former executive secretary of the commission, Mr. Merrill, had never thought that the commission had either the organization or the personnel to properly present these matters to the commission and to carry them to the courts. If you will read the annual reports of the Federal Power Commission since its organization, and particularly since about 1923 or 1924, you will find running through all those reports statements to the effect that the commission has not the organization necessary to administer the provisions in the Federal water power act; that it was not taking care of the public interests and that the public interests were being neglected; that it was not able to check and verify the accounts of the power companies; that it was not able to administer the net investment features of the Federal water power act; that it did not have accountants, valuation engineers, and other employees necessary to make the field investigations; that it did not have the necessary attorneys to prepare the cases for presentation to the committee, and, if need be, to carry them

to the courts. And it is stated in these annual reports of the commission that many of these cases would necessarily have to be carried to the courts in order to finally dispose of them, and Mr. Merrill always thought and said that the commission was not qualified to do that. Therefore he never presented any of these cases to the commission for its consideration, because he thought it was not proper to do so by reason of the fact that he could not dispose of them in the way that he thought they should be disposed of.

Mr. LA FOLLETTE. Mr. President, will the Senator yield? The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WALSH of Montana. I yield.

Mr. LA FOLLETTE. I think the matter which the Senator is discussing is of such vital importance that if he will yield for that purpose I desire to suggest the absence of a quorum.

Mr. WALSH of Montana. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Sheppard
Barkley	Fletcher	Keyes	Shortridge
Bingham	Frazier	King	Simmons
Black	George	La Follette	Smith
Blaire	Gillett	McGill	Smoot
Blease	Glass	McKellar	Steiwer
Borah	Glenn	McMaster	Stephens
Bratton	Goff	McNary	Swanson
Brock	Goldsborough	Metcalf	Thomas, Idaho
Brookhart	Gould	Morrison	Thomas, Okla.
Broussard	Hale	Morrow	Trammell
Bulkeley	Harris	Moses	Tydings
Capper	Harrison	Norbeck	Vandenberg
Caraway	Hastings	Norris	Wagner
Carey	Hatfield	Nye	Walcott
Connally	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Partridge	Walsh, Mont.
Couzens	Hebert	Patterson	Waterman
Cuttings	Heflin	Phipps	Watson
Dale	Howell	Pine	Wheeler
Davis	Johnson	Pittman	Williamson
Deneen	Jones	Reed	
Dill	Kean	Schall	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present.

Mr. TYDINGS. Mr. President, as in legislative session, I ask unanimous consent for the immediate consideration of a resolution which I introduced yesterday, directing the Judiciary Committee to obtain certain information with reference to the Wickersham report.

The PRESIDING OFFICER. The clerk will read the resolution for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 410), as follows:

Whereas the confusion and the contradictions embodied in the report of the Wickersham commission on prohibition are puzzling to Members of the Congress who may be called on to enact legislation carrying out some of its recommendations: Therefore be it

Resolved, That the Judiciary Committee of the Senate be instructed to invite Chairman Wickersham to appear before it and to make a further statement, explaining the method by which the apparently contradictory conclusions and recommendations were arrived at, and also whether suggestions were received and acted on by the commission in framing its final report from authorities who were not members of the commission.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. WATSON. Mr. President, under the circumstances, I think I shall feel obliged to object at this time.

The PRESIDING OFFICER. Objection is made. The Senator from Montana will proceed.

Mr. WALSH of Montana. Mr. President, I am advised by the chairman of the Committee on Appropriations [Mr. JONES] that he is very desirous of bringing up for consideration one of the general appropriation bills. I do not like to be in the attitude of obstructing the consideration of measures of that character. If the chairman of the Committee on Appropriations is desirous of proceeding, as suggested, I shall be very glad to yield for a motion to proceed to the consideration of legislative business, if I may retain the right to continue at a subsequent executive session of the Senate.

The PRESIDING OFFICER. It would be the position of the present occupant of the chair that the Senator from Montana would be entitled to the floor.

EXTRADITION TREATY WITH GERMANY

Mr. BORAH. Mr. President, before the Senate resumes legislative session I should like to ask for the consideration of a treaty which is on the Executive Calendar. It will take but a very few moments to dispose of it, I am sure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

Mr. BORAH. Mr. President, I need only say that this is an extradition treaty covering crimes of the character which are ordinarily covered by such treaties, but exempting and excepting from its operation political crimes. The treaty has been unanimously reported by the committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive B (71st Cong., 3d sess.) a treaty between the United States of America and Germany for the extradition of fugitives from justice, signed at Berlin on July 12, 1930, which was read as follows:

The United States of America and Germany desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the two countries, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America:

The Ambassador of the United States of America in Berlin.

Mr. Frederic Moseley Sackett,

The German Reichspräsident:

the Secretary of State of the Foreign Office

Dr. Bernhard W. von Bülow and

the Privy Counsellor in the Ministry of Justice

Dr. Wolfgang Mettgenberg.

Who after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Germany shall, under conditions of reciprocity, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes or offenses specified in Article III of the present Treaty committed within the territorial jurisdiction of one of the High Contracting Parties, and who shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his commitment for trial if the crime or offense had been there committed.

The words "territorial jurisdiction" as used in this article mean territory, including territorial waters, belonging to or under the control of one of the High Contracting Parties, merchant vessels on and aircraft over the high seas and men of war wherever situated.

ARTICLE II

Under the stipulations of this Treaty neither of the High Contracting Parties shall be bound to deliver up its own citizens.

ARTICLE III

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes or offenses, but only if they are punishable as crimes or offenses by the laws of both countries applicable to the case:

1. Murder, including the crimes designated by the terms assassination, manslaughter, and infanticide.
2. Willful assault resulting in grievous bodily harm.
3. Rape, immoral assault, incest, abortion, carnal knowledge of children under the age of twelve years.
4. Bigamy.
5. Arson.

6. Willful and unlawful destruction or obstruction of railroads, which endangers traffic.

7. Piracy.

8. Wrongfully sinking or destroying a vessel.

9. Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel.

10. Assault on board ship upon the high seas committed by a member of the crew upon an officer.

11. Breaking to and entering the house or the office of another with intent to commit a theft therein.

12. Robbery, defined to be the act of taking from the person of another goods or money by violence or by putting him in fear.

13. Blackmail or extortion by unlawful means.

14. Forgery or the utterance of forged papers.

15. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of such acts.

16. Any fraudulent making or altering or uttering of currency including banknotes; of titles or coupons of public debt, seals, stamps, dies or marks of State or public administrations, whatever means are employed; or the introduction into a country or the receiving or obtaining of counterfeit objects of the foregoing character with a view to uttering them and with knowledge that they are counterfeit; or the fraudulent making, receiving or obtaining of instruments or other articles peculiarly adapted for the counterfeiting or altering of objects of the foregoing character.

17. Embezzlement committed by public officers or depositaries, where the amount embezzled exceeds twenty-five dollars or one hundred reichsmarks.

18. Embezzlement by any person or persons hired, salaried, or employed, to the detriment of their employers or principals, where the amount embezzled exceeds twenty-five dollars or one hundred reichsmarks.

19. Kidnapping, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end; abandonment of infants.

20. Larceny, defined to be the theft of effects, personal property or money of the value of twenty-five dollars or one hundred reichsmarks or more.

21. Obtaining money, valuable securities or other property by false pretences, where the amount of money or the value of the property so obtained or received exceeds twenty-five dollars or one hundred reichsmarks.

22. Perjury or subornation of perjury.

23. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator guardian, director or officer of any company or corporation, or by any one in a fiduciary position, where the amount of money or the value of the property misappropriated exceeds twenty-five dollars or one hundred reichsmarks.

24. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

25. Use of explosives so as to endanger human life or property.

26. Bribery.

27. Crimes or offenses against the bankruptcy laws.

28. Crimes or offenses against the laws for the suppression of the traffic in narcotics.

Extradition shall also take place for an attempt to commit, or for the participation in any of the crimes or offenses

before mentioned as an accessory before or after the fact, including receiving any money, valuable securities, or other property knowing the same to have been unlawfully obtained but only where the amount of money or the value of the property so received exceeds twenty-five dollars or one hundred reichsmarks.

ARTICLE IV

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses. However, a willful crime against human life except in battle or an open combat, shall in no case be deemed a crime of a political character, or an act connected with crimes or offenses of such a character.

ARTICLE V

In the country to which he has been surrendered, a person extradited under this Treaty shall not, without the consent of the government which surrendered him, be tried or punished or given up to a third government for a crime or offense committed previously to his extradition other than that which gave rise to the extradition, nor be restricted in his personal liberty for any reason existing previously to his extradition, unless he shall have been allowed one month to leave the country after having been discharged; and if he shall have been tried and condemned to punishment he shall be allowed one month after having suffered his penalty or having been pardoned. This exemption shall not be granted if the person surrendered, after leaving the country to which his extradition has been granted, there returns or is extradited to that country by a third government.

ARTICLE VI

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the country where the fugitive shall be found, the criminal is exempt from prosecution or punishment for the crime or offense for which the surrender is asked, or when his extradition is asked for the same crime or offense for which he has been tried, convicted or acquitted in that country, or so long as he is under prosecution for that crime or offense.

ARTICLE VII

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail, or in custody, otherwise than for the crime or offense for which his extradition has been sought, his extradition may be deferred until such proceedings be terminated, and until he shall have been set at liberty in due course of law.

ARTICLE VIII

If the extradition of a fugitive which is requested by one of the parties hereto, shall also be requested by one or more other governments, the surrendering government shall be free to choose to which request it will give preference.

ARTICLE IX

Everything found in the possession of the fugitive criminal, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime or offense, shall so far as practicable, according to the laws of the respective High Contracting Parties be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected, and, upon the request of the Government which has delivered up such articles, they shall be returned to that Government, provided that a reservation to that effect shall have been made at the time of delivery.

ARTICLE X

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory referred to in

Article I, other than the United States or Germany, requisitions may be made by superior consular officers.

The arrest of the fugitive shall be brought about in accordance with the laws of the party to which the request is made, and if, after an examination, it shall be decided, according to the law and the evidence, that extradition is due, pursuant to this Treaty, the fugitive shall be surrendered according to the forms of law prescribed in such cases.

If the fugitive criminal shall have been convicted of the crime or offense for which his surrender is asked, a copy of the sentence following such conviction, duly authenticated, shall be produced. If, however, the fugitive is merely charged with a crime or offense, a duly authenticated copy of the warrant of arrest in the country where the crime or offense was committed shall be produced, together with the depositions upon which such warrant may have been issued, or such other evidence or proof as may be deemed competent in the case, or both.

The person provisionally arrested shall be released, unless within one month from the date of arrest in Germany, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinbefore prescribed be made as aforesaid by the diplomatic agent of the demanding government or, in his absence, by a consular officer thereof. However, each government agrees that, upon the request of the other government, it will address to the competent authorities an application for the extension of the time thus limited so as to allow an additional month for the purposes indicated and nothing herein contained shall be construed to prevent the granting of such an application.

ARTICLE XI

The expense of transportation of the fugitive shall be borne by the government which has preferred the demand for extradition. The appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim other than for the board and lodging of a fugitive prior to his surrender, arising out of the arrest, detention, examination and surrender of fugitives under this treaty shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII

The present treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect one month after the exchange of ratifications which shall take place at Washington as soon as possible.

ARTICLE XIII

The present treaty shall remain in force for a period of ten years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above named Plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done in duplicate in the English and German languages at Berlin this 12th day of July 1930.

FREDERIC MOSELEY SACKETT [SEAL]
BERNHARD W. VON BÜLOW [SEAL]
WOLFGANG METTGENBERG [SEAL]

The treaty was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification, which will be read.

The resolution of ratification was read and agreed to, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive B, Seventy-first Congress, third session, an extradition treaty with Germany, signed at Berlin, July 12, 1930.

CONSIDERATION OF EXECUTIVE CALENDAR

Mr. PHIPPS. Mr. President, I request that the Senate proceed to confirm all nominations on the calendar rather than to limit the request to post-office nominations, because I know there are some other nominations to which no objection will be made, so far as I have heard. It will take but a few moments, I think, to complete the calendar.

The PRESIDING OFFICER. Is there objection to the request made by the Senator to complete the calendar in executive session at this time? The Chair hears none, and the clerk will state the next nomination on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Lucien Memminger to be consul general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Willys R. Peck to be consul general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Shiras Morris, jr., to be vice consul of career.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of C. Burke Elbrick to be vice consul of career.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Burton Y. Berry to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of C. Burke Elbrick to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Warren H. Kelchner to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Shiras Morris, jr., to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Maurice L. Stafford to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of George P. Waller to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Shiras Morris, jr., to be Foreign Service officer, unclassified.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of C. Burke Elbrick to be Foreign Service officer, unclassified.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IMMIGRATION SERVICE

The Chief Clerk read the nomination of Luther Weedon to be commissioner of immigration, port of Seattle, Wash.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COAST GUARD

The Chief Clerk read the nomination of John S. Merri-man, jr., to be lieutenant (temporary).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE JUDICIARY

The Chief Clerk read the nomination of J. Whitaker Thompson, of Pennsylvania, to be United States circuit judge, third circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William H. Sawtelle, of Arizona, to be United States circuit judge, ninth circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of David H. Kinche-loe, of Kentucky, to be judge United States Customs Court.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Frank Martinez, of New York, to be United States attorney, district of Porto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Herbert E. L. Toombs, of Texas, to be United States marshal, southern district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

INTERIOR DEPARTMENT

The Chief Clerk read the nomination of Albert G. Stubblefield, of Colorado, to be register of the land office at Pueblo, Colo.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William Ashley, of Idaho, to be register of the land office at Coeur d'Alene, Idaho.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

Mr. PHIPPS. Mr. President, the first nomination on the list of postmasters, Calendar No. 502, being the nomination of Charles R. Wareham to be postmaster at Kearney, Nebr., I ask to have recommended to the committee for further consideration, without prejudice.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PHIPPS. Mr. President, I ask that all the remaining post-office nominations on the calendar may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc. Is there objection to the President being immediately notified?

Mr. BRATTON. Yes, Mr. President; I object.

The PRESIDING OFFICER. Objection is heard.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Regular Army.

Mr. REED. I ask unanimous consent that the Army nominations may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. HALE. I ask that the nominations in the Navy may be confirmed en bloc, and that the President may be notified.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BRATTON. Mr. President, did I understand the request of the Senator from Maine to be that the nominations be confirmed and the President notified?

The PRESIDING OFFICER. The nominations have merely been confirmed, without notification. That completes the Executive Calendar.

ORDER OF BUSINESS

Mr. WALSH of Montana. Now, I yield to the Senator from Washington.

Mr. JONES. I ask unanimous consent that the Senate proceed to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, the Senate will proceed with the consideration of legislative business.

The Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 196. An act to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes; and

S. 4149. An act to add certain lands to the Ashley National Forest in the State of Wyoming.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 10576. An act to authorize exchange of lands with owners of private land holdings within the Chaco Canyon National Monument, N. Mex., and for other purposes;

H. R. 11968. An act to reserve for public use scenic rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, Calif.;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes;

H. R. 13249. An act to authorize the acceptance of a tract of land adjoining Hot Springs National Park, Ark., and for other purposes;

H. R. 13587. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.";

H. R. 14248. An act to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 15590. An act providing for the sale of Chippewa Indian land to the State of Minnesota;

H. R. 15867. An act to provide for the retention by the United States of a site within the Hot Springs National Park formerly occupied by the Arlington Hotel and Bathhouse, for park and landscape purposes;

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes;

H. R. 15877. An act to authorize exchanges of land with owners of private-land holdings within the Craters of the Moon National Monument; and

H. R. 16116. An act to adjust the boundaries and for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain,

and operate a bridge across the Mississippi River, at or near the town of McGregor, Iowa; and

S. J. Res. 177. Joint resolution to provide for the erection of a memorial to William Howard Taft at Manila, P. I.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Public Lands and Surveys:

H. R. 10576. An act to authorize exchange of lands with owners of private-land holdings within the Chaco Canyon National Monument, N. Mex., and for other purposes;

H. R. 11968. An act to reserve for public use scenic rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, Calif.;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes;

H. R. 13249. An act to authorize the acceptance of a tract of land adjoining Hot Springs National Park, Ark., and for other purposes;

H. R. 13587. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.";

H. R. 14248. An act to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 15590. An act providing for the sale of Chippewa Indian land to the State of Minnesota;

H. R. 15867. An act to provide for the retention by the United States of a site within the Hot Springs National Park formerly occupied by the Arlington Hotel and Bathhouse for park and landscape purposes;

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes;

H. R. 15877. An act to authorize exchanges of land with owners of private-land holdings within the Craters of the Moon National Monument; and

H. R. 16116. An act to adjust the boundaries and for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes.

PETITIONS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Georgia, which was referred to the Committee on Finance:

Whereas there is now a bill pending before Congress providing for the immediate payment of the adjusted compensation certificates; and

Whereas the payment of these certificates would put a great amount of money into circulation and would relieve to a great extent the present financial depression and would materially aid the ex-service men holding these certificates: Therefore be it

Resolved by the House of Representatives of the State of Georgia (the Senate concurring), That the Congress of the United States be memorialized to enact legislation paying such certificates in full.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the American-Chinese Protective De Jure Association, at Brooklyn, N. Y., favoring the repeal or modification of the Chinese exclusion act, or any other acts that may be discriminatory against the Chinese people, which was referred to the Committee on Immigration.

REPORTS OF A COMMITTEE

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5440) to authorize an emergency appropriation for special study of, and demonstration work in, rural sanitation, reported it with amendments.

ENROLLED JOINT RESOLUTION PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, January 22, 1931, that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 177) to provide for the erection of a memorial to William Howard Taft at Manila, P. I.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOULD:

A bill (S. 5816) granting an increase of pension to Mary T. Huse (with an accompanying paper); to the Committee on Pensions.

By Mr. VANDENBERG:

A bill (S. 5817) to authorize the Secretary of War to lend War Department equipment for use at the Thirteenth National Convention of the American Legion at Detroit, Mich., during the month of September, 1931; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 5818) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes; to the Committee on Commerce.

By Mr. LA FOLLETTE:

A bill (S. 5819) granting a pension to Emma Hartson; to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 5820) granting construction loans to railroads, and for other purposes; to the Committee on Interstate Commerce.

By Mr. DILL:

A bill (S. 5821) granting a pension to Lorenzo D. Sheets (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5822) granting a pension to Sarah Pangburn (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 5823) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. MOSES:

A bill (S. 5824) granting a pension to Ira J. Patterson; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5825) granting the consent of Congress to the State of California to construct, maintain, and operate a toll bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland over the Key Route Mole; to the Committee on Commerce.

By Mr. HAWES:

A bill (S. 5826) granting an increase of pension to Caroline V. McCullough (with accompanying papers); to the Committee on Pensions.

By Mr. GLENN:

A bill (S. 5827) granting a pension to Charles Diesron (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A joint resolution (S. J. Res. 238) to regulate commerce between the United States and foreign countries in petroleum, crude, fuel, or refined, and all distillates obtained from petroleum, including kerosene, benzine, naphtha, gasoline, paraffin, and paraffin oil; to the Committee on Commerce.

By Mr. BLACK:

A joint resolution (S. J. Res. 239) making applicable for the year 1931 the provisions of the act of Congress approved March 3, 1930, for relief to farmers in the flood and/or drought stricken areas; to the Committee on Agriculture and Forestry.

MINING EXPERIMENT STATION AT SALT LAKE CITY, UTAH

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., which was ordered to lie on the table and to be printed.

DEPORTATION OF CERTAIN ALIENS

Mr. JONES. I ask unanimous consent that the Senate proceed to the consideration of House bill 15592, being the urgent deficiency appropriation bill.

Mr. KING. Mr. President, Senate bill 202 providing for the deportation of certain alien seamen, and for other purposes, was passed by the Senate early last year. Subsequent to its passage the Senator from Connecticut [Mr. BINGHAM] moved to reconsider the votes by which the bill was read the third time and passed and that it be recalled from the House. The motion for reconsideration has been pending since that time.

Upon several occasions I have sought to have the motion disposed of, but without success. In my opinion there is no reason why this measure should not pass, and I feel compelled to urge that the motion be acted upon. I should be very glad to take the matter up now. I recall that early in the session I stated that when the maternity bill was disposed of I would ask to take up for consideration the motion to which I have referred. I was importuned by some Senators not to press the request because of the pendency of an appropriation bill. Then came the Interior Department appropriation bill, which has consumed a great deal of time, and which did not pass the Senate until last night. In the meantime other matters have come before the Senate which have prevented the consideration of the motion to reconsider.

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Washington yield for the purpose suggested by the Senator from Utah?

Mr. JONES. Mr. President, I feel that the urgent deficiency appropriation bill should be passed just as soon as possible. It means the employment of about 30,000 unemployed laborers, and I am sure the Senator from Utah does not desire to delay that accomplishment. If I had assurance that the consideration of the motion referred to by him would take but a short time I should be glad to have it considered now, but I understand that it will take considerable discussion.

Mr. WATSON. Let me appeal to the Senator from Utah to permit the Senator from Washington to go on with the appropriation bill.

Mr. KING. Of course, I am anxious to have all appropriation bills disposed of, and shall aid in every possible way to accomplish that result; but I can not have the session end without the motion to reconsider being acted upon. It is an important bill and should receive the approval of this body. I respectfully insist that there shall be some understanding reached now, or in the immediate future, which will give assurance that the motion shall be acted upon within the next few days. I spoke to the assistant leader on the other side, the Senator from Oregon [Mr. McNARY] during the noon hour and stated that I would be willing to not press for the consideration of the motion until after the appropriation bill which the Senator from Washington now asks shall be taken up had been disposed of and also the agricultural bill, which I understand is here before us, provided that when these measures were out of the way the Senate would proceed to the consideration of the motion to reconsider. If I could have unanimous consent to have that done, I would not now press the motion.

Mr. REED. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. REED. I think the Army appropriation bill will be reported by the committee to-morrow, and I do not want to see any agreement entered into that will interfere with the prompt consideration of that measure.

Mr. KING. Mr. President, the Senator from Pennsylvania knows that the motion to reconsider has been pending for

a long time, and it is unfair that it should be held indefinitely upon the calendar. My understanding is that there will be limited debate. My friend the Senator from Connecticut [Mr. BINGHAM] desires to be heard, as he has a right to be heard, but aside from his address I know of no other speeches that are to be made.

Mr. WATSON. Will the Senator permit me to inquire the nature of the bill concerning which the motion to reconsider is pending?

Mr. KING. Yes; it is a bill for the deportation of certain alien seamen and for other purposes. It is an important bill. It has twice passed the Senate unanimously, and during the present Congress was reported unanimously by the Committee on Immigration, of which the Senator from Pennsylvania is a member.

Mr. REED. I am not opposing the Senator's bill. I think there is very much in it that is necessary and desirable.

Mr. KING. And the Senator knows that the motion to reconsider has been pending here for a long time.

Mr. REED. I know that.

Mr. KING. And it ought to be disposed of. If I can have an agreement that when the two appropriation bills to which I have referred are out of the way the motion shall be made a special order and considered, I shall not press my request at this time.

Mr. REED. Will the Senator agree—not making it part of the unanimous consent but just a personal agreement—if the motion to which he refers is made a special order, after action on the two appropriation bills, and if debate on the motion drags out for any time, that he will yield so that the Army appropriation bill may be considered?

Mr. KING. Let me say to the Senator that I can not conceive of the motion to reconsider consuming much time. As I have said, the Senator from Connecticut desires to address the Senate, I understand, at some length; but, aside from the Senator from Connecticut, I do not know of any other Senator who wishes to speak. I believe that the motion can be disposed of in perhaps an hour or two.

Mr. REED. Does the Senator from Connecticut agree to the suggestion that it can be disposed of in a few hours?

Mr. BINGHAM. No, Mr. President. I may say to the Senator from Utah that he was away, either abroad or ill, at the time the bill came up on the calendar. As he himself will admit, whenever he has felt that a bill reported by a committee and on the calendar was contrary to the public interest he has objected to its consideration; and, with all due respect to the Senator, he has probably objected to more bills which he believed to be against the public interest than any other Senator.

It happens that I have been objecting to the consideration of this bill for a very long time, because I believed, due perhaps to some personal knowledge of conditions on the Pacific and the conditions under which our merchant marine may operate successfully on the Pacific, that the passage of this bill would very nearly put the American flag off the Pacific. Consequently, whenever the bill came up I objected to its consideration. It was understood that another Senator was to object when I was away from the floor, but he failed to do so. Consequently, it passed, as the Senator has stated, by unanimous consent, but through a misunderstanding. I almost immediately thereafter asked that the bill be restored to the calendar.

In view of the objection which I had continually registered against it, I think if the Senator himself had been here he would have agreed to have that done, because a similar favor has repeatedly been extended to him. When a bill to which he was very much opposed had passed during his casual absence from the Chamber and had not been objected to as he supposed it would be, immediately upon his return to the Chamber on asking to have the bill to which he objected restored to the calendar, no one objected. I think the Senator's sense of fairness is so great that had the request in this instance been made when he was present, he would have consented to the procedure suggested, but in his absence one of his friends, for reasons best known to himself, undertook to say that, since I was not here and

had not objected and since the Senator from Utah was sick, he would not permit it to be returned to the calendar. Thereupon the Senator from Maine [Mr. GOULD] entered the motion to reconsider.

This is a very important measure, Mr. President. It ought not to pass without protest, and it was, perhaps, due to the fact that I was temporarily absent from the Chamber, through a misunderstanding, that it was passed at all. It will take several hours to debate it and explain to the Senate the very serious harm which the enactment of the bill will inflict on our merchant marine on the Pacific. While I am perfectly willing to debate it at any time, it will take several hours to do so.

Mr. KING. Mr. President, I was not here as the Senator—

The PRESIDING OFFICER. Does the Senator from Washington yield further?

Mr. JONES. I yield for just a moment.

Mr. KING. Owing to illness I was not here when this bill was under consideration the last time. Measures textually the same upon two former occasions, as I recall, had passed the Senate after some discussion, but with but little opposition. The committee reported each measure unanimously after hearings and mature consideration. The Senator from Pennsylvania, who, perhaps, has evinced as much, if not more, interest in immigration questions than any other Senator, was a member of the committee. He was familiar with the testimony and joined his colleagues in reporting the bill.

The Senator from California [Mr. JOHNSON], the chairman of the committee, also joined in reporting the bill. In 1926 it was called up, considered by the Senate, and passed. It did not pass the House, although, as I understand, there was no objection manifested to the measure. Again a similar bill was unanimously reported and again taken up by the Senate and passed.

If I had been here, as the Senator says, when the bill was passed I would have consented, if the motion to consider had been promptly made to restore the bill to the calendar, in order that the Senator from Connecticut and other Senators might have the fullest opportunity to consider it. The bill was taken up in regular order and no objection was made to its passage. However, I would be opposed to any course that would deny Senators the right to discuss bills before their passage. If a measure is passed hurriedly or in the absence of a Senator who desired to discuss the bill, I would be willing to have it restored to the calendar in order to give him opportunity to present his views; and I am willing now for the Senator to take all the time he desires to debate this bill. I do not wish to restrict him in the slightest degree, but in view of the fact the motion to reconsider has been pending for nearly a year, and in view of the fact that I have been importuned, not improperly, by those who favor the bill to press the motion, I feel constrained to ask that the Senate now fix some time when we may take this motion up and give the Senator from Connecticut all the time he desires to discuss the bill. Accordingly I asked a moment ago for unanimous consent that when the two appropriation bills to which I have referred, the pending deficiency bill and the agricultural appropriation bill, shall have been disposed of the Senate proceed to the consideration of the motion to reconsider the vote by which Senate bill 202 was passed.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BINGHAM. I shall have to object to that, Mr. President; but after what the Senator has said about his willingness to have the measure returned to the calendar—

Mr. KING. No; I said if I had been here at that time.

Mr. BINGHAM. I made the request almost immediately, within a very few moments or hours after it had passed, as soon as I returned to the Chamber. Therefore I am perfectly willing to withdraw any objection to the consideration of the motion for reconsideration and to ask unanimous consent that the vote by which the bill was passed may be reconsidered and that the bill may be returned to the calendar.

dar, if the Senator is willing to agree to that. That will take it off the list of motions for reconsideration and put it back on the calendar, where the Senator would have permitted it to go had he been here.

Mr. KING. Mr. President, as I say, in view of the peculiar situation attending this measure, I feel that I can take no step that will not insure consideration and final action by the Senate on this bill within the next few days. I am willing to let the matter go until next Monday, if we can agree to have it taken up at a certain time, and give the Senator all the time he desires.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. JONES. Mr. President, I will say that so far as I am concerned I hope what the Senator suggests may be done, but I feel that I should have the deficiency bill disposed of.

Mr. KING. The Senator has the floor. I do not wish to interfere with the passage of the deficiency bill, because it is important that it should be taken up and disposed of; but after the bill is passed I shall ask the attention of the Senate to the motion referred to.

EVENING SESSION FOR THE CALENDAR

Mr. McNARY. Mr. President, will the Senator from Washington be kind enough to permit me to submit a unanimous-consent request? If it leads to debate, I will withdraw it.

Mr. JONES. I have no objection to the Senator submitting the request.

Mr. McNARY. I submit the unanimous-consent request which I send to the desk.

The VICE PRESIDENT. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that at 7.30 o'clock p. m., on Monday next, January 26, 1931, the Senate proceed to the consideration of unobjected bills on the calendar, subject to the limitation of debate provided in Rule VIII, and continue their consideration until the calendar is completed, or until not later than 11 o'clock p. m.

Mr. LA FOLLETTE. It is the Senator's intention to proceed to the consideration of unobjected bills?

Mr. McNARY. Of unobjected bills.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

FIRST DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. R. 15592, the first deficiency appropriation bill.

There being no objection, the Senate proceeded to consider the bill (H. R. 15592) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. JONES. I now ask that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first disposed of.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will read the bill for amendment.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 2, after line 1, to insert:

SENATE

To pay to Mary M. Overman, widow of Hon. Lee S. Overman, late a Senator from the State of North Carolina, \$10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to insert:

To pay to Jessie R. Greene, widow of Hon. Frank L. Greene, late a Senator from the State of Vermont, \$10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

For payment to Henry M. Barry, for clerical services rendered the Joint Commission on Airports and the Joint Commission on Insular Reorganization, fiscal year 1931, \$1,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1931, \$100,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to insert:

The unexpended balance of the appropriation for expenses of inquiries and investigations ordered by the Senate, contingent fund of the Senate, for the fiscal year 1930, is reappropriated and made available for the fiscal year 1931.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

For services in cleaning, repairing, and varnishing furniture, fiscal year 1931, \$2,000.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under supervision of the Committee on Rules, fiscal year 1931, \$12,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 9, after line 12, to insert:

EMERGENCY CONSTRUCTION

For an additional amount for repairs, alteration, improvement, and construction of farm, laboratory, and other buildings, structures and equipment, boats, irrigation, drainage, water supply, roadway, and other facilities required in the work of the Department of Agriculture; for clearing, surveying, and fencing land; for structural and other improvements and insect control on the national forests; for control of injurious rodents and predatory animals; and for other necessary expenses, fiscal year 1931, as follows:

Bureau of Animal Industry: For clearing and fencing land at the Animal Husbandry Experiment Farm, at Beltsville, Md., \$12,500;

Bureau of Dairy Industry: For remodeling and construction of farm and laboratory buildings and for improving water and electric systems and clearing and fencing land at the dairy experimental farm at Beltsville, Md., \$96,000; for construction of farm buildings at the Ardmore, S. Dak., dairy station, \$5,000, and at the Woodward, Okla., dairy station, \$2,000; in all, \$103,000;

Bureau of Plant Industry: For construction, repair, alteration, and improvement of farm and laboratory buildings, windbreaks, retaining walls, hotbeds, coldframes, pit houses, plant shelters, and fences; for grading, constructing, and resurfacing roads, grading and leveling fields; for installing and extending gas, water, and irrigation systems in connection with field activities in Arizona, California, Colorado, Florida, Georgia, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, South Carolina, South Dakota, Texas, Virginia, Washington, or elsewhere, \$130,750;

Forest Service: For construction of improvements for the protection and administration of the national forests, including telephone lines, firebreaks, dwellings, offices, miscellaneous small structures, and for fences and water-development projects for range control and other purposes, \$354,800; for combating epidemic insect infestations on the national forests adjacent to Yellowstone National Park and threatening the park timber and invaluable timber stands in northern Idaho, \$100,000; for construction of boats and floats to be used in Alaska, \$73,000; and for development of a nursery site in northern Wisconsin, \$6,000; in all, \$533,800;

Bureau of Biological Survey: For construction, repair, alteration, and improvement of buildings and other structures, dams, fences, telephone lines, roads, installation of electricity and water system, cold-storage plants, septic tanks, and for surveying wildlife refuges, etc., in connection with bird and game reservation and other field activities in Arizona, Arkansas, California, Idaho, Minnesota, Montana, Nebraska, Nevada, New York, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Alaska, or elsewhere, including the construction of boats for use of the Alaska Game Commission, \$232,505; for the control of injurious predatory animals and rodents, \$272,100; in all, \$504,605; In all, \$1,284,655.

Mr. CARAWAY. Mr. President, I had given notice, by filing an amendment, which is lying on the desk, that I should offer an amendment to this bill to appropriate \$15,000,000 to be loaned for the purpose of buying food for people in the drought-stricken area. That has been the understanding, so far as I know, of everyone who was familiar with and interested in the legislation.

Later on my colleague [Mr. ROBINSON of Arkansas] offered the amendment to the Interior Department appropriation bill to appropriate \$25,000,000, to be handled by the Red Cross.

While it has been our desire that the people should be permitted to keep both their self-respect, their health, and their lives by borrowing and repaying, we are conscious that two measures can not be passed that will alleviate the situation in some respects. Therefore, I shall not offer the amendment, Mr. President, although it voiced the wishes of the people who were affected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Interior Department, National Park Service," on page 13, line 12, after "sec. 404)" to insert a comma and "and for continuing construction of an approach road from the National Old Trails Highway to the south boundary of the Grand Canyon National Park, Ariz., as authorized by the act approved June 5, 1924 (43 Stat. 423)," so as to read:

Roads and trails: The appropriation for the construction of roads and trails in the national parks and national monuments under the jurisdiction of the Department of the Interior contained in the act approved December 20, 1930, is hereby made available in so far as may be necessary for the construction of highways within the areas authorized to be established as national parks under the acts approved February 21, 1925 (43 Stat. 958-959); May 22, 1926 (U. S. C., title 16, sec. 403); and May 26, 1926 (U. S. C., title 16, sec. 404), and for continuing construction of an approach road from the National Old Trails Highway to the south boundary of the Grand Canyon National Park, Ariz., as authorized by the act approved June 5, 1924 (43 Stat. 423).

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert:

EMERGENCY CONSTRUCTION
BUREAU OF INDIAN AFFAIRS

Telephone line, Southern Navajo Reservation: For the purchase of supplies and equipment and the employment of labor for the construction and repair of telephone lines within the Southern Navajo subdivision of the Navajo Reservation in Arizona, \$13,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

Administration of Indian forests: For an additional amount for the preservation of timber on Indian reservations and allotments, other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, and the general administration of forestry work, including fire prevention, fiscal year 1931, \$50,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

Mr. KING. Mr. President, the evidence before the special committee investigating Indian affairs reveals that a very large appropriation was made in 1931 for the forests; indeed, too large an appropriation. It shows that, for instance, on the Klamath Reservation, though the administration of the timber as well as the administration of the forest affairs cost only 3½ per cent of the gross receipts, 8 per cent, or nearly \$100,000, were taken. In addition to this sum, a large appropriation of one hundred and some odd thousand dollars was carried in the appropriation bill for administration of the affairs of the reservation. In addition, there were a large number of appropriations for the protection of the forests, special appropriations and general appropriations, aggregating several hundred thousand dollars. There were also large appropriations for education of Indians in Forest Service; and yet none were educated, and no attempts were made; and the appropriations, if they

have been exhausted, have been exhausted for other purposes. My information is, however, that out of the funds appropriated for these purposes in the 1931 act there are several hundred thousand dollars still available.

We passed through the Senate yesterday the 1932 Indian appropriation bill, which carries \$28,000,000—a sum larger by several million dollars than has ever been appropriated in any single year for the Indian Bureau service.

Mr. President, this appropriation is wholly unnecessary. It is merely to give employment to persons whose services are not required. It is calculated to rob the funds of the Indians, to deplete them, or to saddle upon the taxpayers of the United States an unnecessary burden. I can not conceive of any justification for this appropriation; and I hope the Senate will reject the amendment found on page 14, from lines 8 to 17.

I am sure the Senator from North Dakota [Mr. FRAZIER], who has been making the investigation, can corroborate the statements I have made; and his view will be that there is no necessity, no justification, for this appropriation.

Mr. JONES. Mr. President, let me say that this appropriation is for fire-protection work, the building of lookout towers, and matters of that kind. I think it should be agreed to.

Mr. WHEELER. Mr. President, has the Senator from Utah called attention to irrigation assessments on the San Carlos Reservation? Is that the item?

Mr. KING. No; it is the other \$50,000, for fire protection.

Mr. WHEELER. I should like the chairman of the committee to tell us just what this appropriation is for, as a matter of fact.

Mr. KING. He has stated that it is for fire protection, for lookout towers.

Mr. JONES. According to the Indian Bureau, \$30,000 of this money would be used for labor, and the other \$20,000 would be used for the purchase of materials, and so forth. It is largely for the construction of lookout towers on Indian reservations.

Mr. WHEELER. Let me say to the Senator that in my judgment we ought to reject the amendment. I am not at all satisfied with the appropriations that are being made out of Indian funds for the protection of the timber upon Indian reservations. The truth about the matter is that the cost to the Indian is entirely too high. Because of the fact that these are Indians funds we have been appropriating the money out of the Indian funds; and then, in some instances, we have been building roads that are of no benefit to the Indians, but entirely for the benefit of the lumber companies that are operating in those districts. At least that has been the testimony before the committee in some instances.

I think that without more explanation of this particular item it ought to be cut out.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that this money does not come out of the Indian funds. The language is:

Provided, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber on such lands are insufficient for that purpose.

Mr. WHEELER. Insufficient for this purpose?

Mr. SMOOT. Yes.

Mr. WHEELER. That means it will come out of the Indian funds.

Mr. SMOOT. It says "insufficient."

Mr. WHEELER. I would like to have the interpretation put on this by the Indian Affairs Committee. I do not believe it will be interpreted that this money is to come out of the Treasury of the United States for the purpose of the protection of timber.

Mr. SMOOT. Why should we have any proviso, then?

Mr. WHEELER. Because of the fact that otherwise it would come out of the Treasury of the United States. With this language in it is coming out of the proceeds of the sale of timberlands, I take it.

Mr. SMOOT. That is it exactly. That is what I have said. They are going to sell that timber. It ought to be cut, and why not let it be cut?

Mr. WHEELER. The Senator from Washington says that this is for the purpose of building lookouts, and that the money is not to be taken out of the Treasury of the United States. If it was to be, it would be appropriated out of the Treasury of the United States. The main portion is to be taken out of the proceeds of the sale of Indian timber. The point I am making is this, that what the Indian Bureau has been doing has been entirely too extravagant in the building of roads, the building of lookouts, and things of that kind, which the Government does not do, which no private owner of timber does, but which the Indian Service has been doing, and the cost is coming out of the Indian money. It has not been fair to the Indians at all when that has been done.

Mr. JONES. What comes out of the proceeds of the sales of Indian timber is the cost of administration and that is all. I take it that the cost of the construction of these towers, and things like that, comes out of the Treasury. I so understood it.

Mr. WHEELER. If the Senator is correct about that, and it comes out of the Treasury and the Government of the United States wants to spend \$50,000 to build these lookouts, I have no objection, but I do object to it coming out of Indian funds, because our experience and the testimony with reference to Klamath Indians, where they have timber, has shown that the Indian Bureau had simply appropriated money for the building of roads, for the erection of buildings, and for the building of everything else, and the money has come out of the proceeds of the sale of timber, a thing no private owner would think of doing if it meant the selling of his timber. I would like to ask that this be passed over until we get some definite information in reference to it.

The VICE PRESIDENT. The amendment will be passed over without prejudice.

The next amendment was, on page 14, after line 17, to insert:

Irrigation system, San Carlos Reservation, Ariz.: For an additional amount for all purposes necessary to provide an adequate distributing, pumping, and drainage system for the San Carlos project, authorized by the act of June 7, 1924 (43 Stat. p. 475), and to continue construction of and to maintain and operate works of that project and of the Florence Casa Grande project; and to maintain, operate, and extend works to deliver water to lands within the Gila River Reservation which may be included in the San Carlos project, fiscal years 1931 and 1932, \$150,000, reimbursable as provided by said act of June 7, 1924, as amended, and subject to the conditions and provisions imposed by said act as amended.

Mr. KING. Mr. President, may I ask the Senator from Arizona whether the appropriation carried in the paragraph just read is embraced within the 1931 appropriation act, or embraced within any of the items carried in the Interior Department appropriation bill which passed the Senate yesterday?

Mr. HAYDEN. Mr. President, this is a supplemental appropriation to speed up the work of making the land under the San Carlos project available for water. It is work which has to be done, and the estimates were submitted with the idea that it should be done at once to provide immediate employment for labor. The item was included in the original emergency public works estimate submitted to the House of Representatives by the President. It was brought to the attention of the Senate Committee on Appropriations through a second Budget estimate, and was included in this deficiency bill. The work will never be done any cheaper than at this time.

Mr. KING. Perhaps I did not make myself clear. The inquiry I am making is, Has an appropriation been made heretofore, in 1931, or in the bill which was passed yesterday, to cover these items?

Mr. HAYDEN. Appropriations for a similar character of work have been made heretofore. This project has been under construction for some years. The Coolidge Dam was completed about a year and a half ago and is impounding

water now. Canals and laterals have been built out of other appropriations. This money will continue the work of completing the project.

Mr. KING. My understanding was that the appropriation bill which passed yesterday carried an ample amount for the San Carlos project for the fiscal year 1932, and perhaps for a longer period.

Mr. HAYDEN. The Senator is mistaken in that respect. It carried an amount of money for a similar purpose, but not all the money which could be properly used, and for that reason this supplemental estimate was made.

Mr. KING. Will this amount be within the estimate of the entire cost of the project, which was some eight or nine million dollars?

Mr. HAYDEN. In the estimates of the entire cost of the project to which the Senator refers there was a limitation only on the cost of the Coolidge Dam, which was five and a half million dollars. The dam was built within that limit of cost. There was no limitation on the total cost of the San Carlos project.

Mr. KING. I may not understand it, but I have such confidence in the Senator from Arizona that if he would tell me that black was white I would be inclined to believe him.

Mr. HAYDEN. I assure the Senator from Utah that the appropriation is fully justified.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 15, after line 4, to insert:

Road, Wind River Reservation, Wyo.: For one-half of the cost for reconstruction and improvement of the road running from Milford across the Wind River or Shoshone Indian Reservation, through Fort Washakie to the diversion dam in Wyoming, as authorized by and in accordance with the act of May 27, 1930 (46 Stat. 430), fiscal years 1931 and 1932, \$150,000.

Mr. KING. I would like to inquire whether this is a road for the benefit of the Indians and whether it is chargeable to the Indians and whether it is a project which was heretofore mapped out or suggested, or whether this is just a new project; and if it is new, why it was not provided for in the appropriation bill just passed.

Mr. KENDRICK. Mr. President, the Senator will observe that this item provides for one-half the cost of this road. Under the terms of the authorization bill, which was passed some time ago, the State was required to provide the other half of the cost of construction, and there was also imposed upon the State and county the cost of maintenance. Another provision was that none other than Indian labor should be employed in the building of the road. In all other respects the road is to be constructed on the 50-50 Federal highway plan.

The extreme importance of the amendment is due to the fact that it supplies a stretch of road 28 miles long which will connect two lines of State and Federal highway extending from the Union Pacific Railroad on the south to the Yellowstone Park on the north. This gap is located across an Indian reservation on which the larger acreage of lands are owned by the Indians and are, therefore, nontaxable.

I hope the amendment will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to insert:

Roads, Indian reservations: For an additional amount for the construction, repair, and maintenance of roads on Indian reservations not eligible to Government aid under the Federal highway act, including engineering and supervision and the purchase of material, equipment, supplies, and the employment of Indian labor, fiscal year 1931, \$100,000: *Provided*, That where practicable the Secretary of the Interior shall arrange with the local authorities to defray the maintenance expenses of roads constructed hereunder and to cooperate in such construction.

Mr. KING. Mr. President, I would like to have an explanation of the amendment. Is this to be charged to the tribal funds of the Indians?

Mr. JONES. Oh, no.

Mr. KING. I would like also to know upon what reservations the roads are to be constructed, and who has suggested that more roads be built upon the reservations.

Mr. JONES. The Senator knows that in recent years we have appropriated \$250,000 each year for roads of this character on Indian reservations, and \$250,000 has been appropriated for the current year. This is \$100,000 in addition for such roads, to be expended up to the 1st of July. My recollection is that for the next fiscal year we have provided \$500,000 for this purpose.

The general purpose is to have built on these Indian reservations roads which are not taken care of under the general highway act. On many of the reservations the Indians have not the money by which the roads can be built, and they are necessary roads. So we are simply adding \$100,000 to the \$250,000 carried in the bill each year for two or three years.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 15, after line 21, to insert:

OFFICE OF EDUCATION

New vessel: For construction of a new vessel with a carrying capacity of not less than 1,300 tons to take the place of the *Boxer*, \$400,000.

Mr. FRAZIER. Mr. President, I would like to inquire what this ship, the *Boxer*, is used for?

Mr. JONES. Mr. President, the *Boxer* is a small vessel used for carrying supplies up to the waters of Alaska and on beyond the southeastern part. The Bureau of Education is looking after the Indians all through that country, and the vessel goes as far up as Point Barrow.

The *Boxer* is a very small vessel, carrying only about 1,100 tons. About 4,000 tons of supplies are necessary to be taken up there in a year, and it is necessary to hire commercial vessels to carry those supplies. The commercial vessels are very irregular in their trips, and the freight charges are very high. It is thought that with a vessel of this size, which will carry about 4,000 tons, the Government on one trip—it takes almost a year—will carry practically all the supplies necessary and save nearly \$40,000 a year in freight charges.

Mr. SMOOT. Mr. President, the testimony showed that this vessel will last only a few years longer and if we do not make this appropriation there will be a request for a further appropriation before the next bill comes before us for money to charter a vessel, and that we do not want to happen.

Mr. FRAZIER. Mr. President, my understanding was that in the Interior Department appropriation bill, which was voted on last night, the control of the Indians of Alaska was put under the Indian Bureau.

Mr. JONES. That was sought to be done, but it was not accomplished. I think a point of order was made against it.

Mr. SMOOT. It went out.

Mr. FRAZIER. It went out of the bill in the Senate?

Mr. JONES. No; over in another body.

Mr. FRAZIER. I did not so understand.

Mr. JONES. That is the fact.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

ST. ELIZABETHS HOSPITAL

Tuberculosis building: For the construction and equipment of the second floor of tuberculosis building authorized by the act of May 14, 1930, \$120,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to insert:

Repairs to old buildings: For remodeling the plumbing and renovating the water sections of the old buildings in St. Elizabeths Hospital, including plastering, flooring, and other work incident thereto, \$75,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

HOWARD UNIVERSITY

For excavation, grading, walks, retaining walls, etc., for south quadrangle at Howard University, bounded by College, Sixth, Fourth Streets, and Howard Place extended; drainage and necessary alteration to existing manholes, pipe lines, etc., superintendence of the work, also extension of Howard Place from Sixth Street and McMillan Park, and entrance gates to Sixth Street and McMillan Park, \$206,000; retaining wall, wrought-iron fence throughout the north side of square No. 3063, Howard University; lawn-sprinkler system, superintendence of the work, etc., \$18,000; rough and finish grading, fencing of Howard University area north of Gresham Place and south of Hobart Street and east of McMillan Park Reservoir Road, and superintendence of the work, \$11,000; grading, drainage, fencing, landscaping, and superintendence of the work in the Howard University Medical School area bounded by Fifth Street, Georgia Avenue, and W Street, \$15,000; in all, \$250,000.

The amendment was agreed to.

The next amendment was, on page 17, line 3, to appropriate a total of \$1,308,000 for emergency construction as covered by preceding items.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department, Secretary's office," on page 18, line 20, after the words "set forth in," to insert "Senate Document No. 242 and," and in line 21, after the word "Congress," to strike out "\$6,272.11" and insert "\$7,661.04," so as to make the paragraph read:

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922 (U. S. C., title 34, sec. 599), as fully set forth in Senate Document No. 242 and House Document No. 692, Seventy-first Congress, \$7,661.04.

The amendment was agreed to.

The next amendment was, on page 18, after line 22, to insert:

ALTERATION TO NAVAL VESSELS

Toward the alterations and repairs required for the purpose of modernizing the United States ships *New Mexico*, *Mississippi*, and *Idaho*, as authorized by the act entitled "An act to authorize alterations and repairs to certain naval vessels," approved January —, 1931, \$3,000,000 to be available until expended.

Mr. WALSH of Massachusetts. Mr. President, I understand that some of the \$3,000,000 provided for in the committee amendment is for the alteration of two of the three naval vessels which were authorized by a recent measure to be modernized. Am I correct?

Mr. JONES. There is \$1,000,000 for each of the three vessels.

Mr. WALSH of Massachusetts. I thought the total sum required would be \$4,500,000.

Mr. JONES. No. This is all that was proposed by the Senator from Virginia [Mr. SWANSON].

Mr. WALSH of Massachusetts. This is not the total sum provided for in the authorization?

Mr. JONES. Oh, no. In the authorization there was \$30,000,000 provided.

Mr. WALSH of Massachusetts. Why is this amount fixed at \$3,000,000?

Mr. JONES. The Senator from Virginia [Mr. SWANSON], who was much interested in these matters, asked for only \$3,000,000 at this time in this measure.

Mr. REED. He thought that it is all that could be expended in the balance of this fiscal year.

Mr. WALSH of Massachusetts. I was informed that this amount would only provide for the alterations of two of the three vessels.

Mr. JONES. This is \$1,000,000 for each of the three.

Mr. KING. Mr. President, the Senator from Virginia [Mr. SWANSON] stated, as did the Senator from Maine [Mr. HALE], that only two vessels would be modernized within possibly the next two years; that it was impossible to take three out of the service without weakening the Navy, and it would be some time before the third vessel was reached.

Mr. WALSH of Massachusetts. Yes; and that is the reason for my inquiry.

Mr. HALE. Mr. President, when the matter of the modernization of battleships came before the Senate I explained

that the Navy Department, while favoring the bill providing for modernization of three battleships, proposed at the present time to ask for the modernization of only two. The cost of modernizing the two would have been in round numbers about \$20,000,000 instead of the larger sum. When the question came up before the Appropriations Committee, however, the opinion of the committee was that it would be better to go ahead and appropriate for three instead of two vessels.

Mr. WALSH of Massachusetts. Therefore it is proposed that this money be used upon all three vessels—\$1,000,000 each?

Mr. HALE. Yes.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from Washington what is the status of the authorizing bill in the House? Has it passed the House?

Mr. JONES. No; it has not.

The VICE PRESIDENT. The question is on agreeing to the committee amendment. Without objection the amendment is agreed to.

The next amendment of the Committee on Appropriations was on page 19, after line 4, to insert:

BUREAU OF YARDS AND DOCKS
EMERGENCY CONSTRUCTION

Maintenance: For the purposes specified under this heading in the naval appropriation act for the fiscal year 1931, \$500,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to insert:

Public works: For emergency appropriations for the purpose of increasing public employment and to enable the Secretary of the Navy to construct or provide, by contract or otherwise, the following-named public works and public-utilities projects at a limit of cost not to exceed the amount stated for each project enumerated, respectively, \$4,670,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 15, to insert:

Navy yard, Portsmouth, N. H.: Extension of building No. 98, \$35,000; extension of building No. 115, \$50,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 18, to insert:

Navy yard, Boston, Mass.: Renew roof of building No. 105, \$80,000; paving, to continue, \$60,000; improvement of water front, \$50,000; improvement of electric system, \$150,000; crane facilities, marine railway, \$50,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 23, to insert:

Navy yard, New York, N. Y.: Extension of dispensary, \$35,000; improvement of Dry Dock No. 2, \$749,000; improvement of water front, \$200,000; improvement of building No. 28, \$60,000; improvement of power plant, \$80,000; improvement of roofs, \$70,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to insert:

Navy yard, Philadelphia, Pa.: Improvement of power plant, \$90,000; improvement of dry-dock crane, \$25,000; improvement of electric system, \$35,000; improvement of power plant, \$35,000; improvement of buildings, \$100,000; improvement of water front, \$50,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 8, to insert:

Navy yard, Washington, D. C.: Improvement of heating system, \$20,000; improvement of power plant, \$25,000; extension of sea wall, \$275,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 11, to insert:

Navy yard, Norfolk, Va.: Improvement of boiler-shop facilities, \$150,000; extension of woodworking shop, \$150,000; improvement of distributing systems, \$200,000; paving, to continue, \$70,000; improvement of railroad system, \$60,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to insert:

Navy yard, Charleston, S. C.: Improvement of shipbuilding ways, \$150,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 18, to insert:

Navy yard, Mare Island, Calif.: Improvement of fire protection, \$75,000; floating derrick, \$100,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 20, to insert:

Navy yard, Puget Sound, Wash.: Extension of fuel-oil system, \$75,000; fireproof vaults, \$25,000; improvement of power plant, \$75,000; paving, to continue, \$50,000; improvement of dry dock No. 1, \$400,000; improvement of tracks, \$50,000.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

Naval operating base, Hampton Roads, Va.: Replacement of pier No. 7, \$800,000; improvement of oil storage, \$50,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 3, to insert:

Naval station, San Diego, Calif.: Quay wall and dredging, \$210,000; improvement of crane tracks, \$60,000; floating derrick, \$100,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 6, to insert:

Naval torpedo station, Newport, R. I.: Extension of assembly shop, \$125,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to insert:

Naval ammunition depot, Hingham, Mass.: Improvement of water front, \$55,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to insert:

Naval ammunition depot, Fort Mifflin, Pa.: Improvement of railroad, \$70,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to insert:

Naval torpedo station, Keyport, Wash.: Improvement of fire protection, \$15,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

Naval training station, Rhode Island: Improvement of power plant and steam system, \$50,000; improvement of Government landing, Newport, \$60,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert:

Naval training station, Great Lakes, Ill., buildings: Improvement of detention unit, \$105,000; extension of seaplane hangar, naval reserve, \$20,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

Naval training station, San Diego, Calif.: Extension of mess hall, \$115,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to insert:

Depot of supplies, Philadelphia, Pa.: Extension of shop building, \$225,000.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

Marine barracks, Quantico, Va.: Roads, walks, service systems, and power-plant equipment, \$160,000; improvement of heating system, \$60,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 3, to insert:

Marine barracks, Parris Island, S. C.: Improvement of roads, \$100,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to insert:

Marine barracks, San Diego, Calif.: Extension of storehouse, \$150,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 7, to insert:

Submarine base, New London, Conn.: Replace building No. 42 damaged by fire, \$50,000; general repairs, \$15,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to insert:

Naval air station, Lakehurst, N. J.: Extension of tracks, service systems, roads, and walks, \$75,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

Naval aircraft factory, Philadelphia, Pa.: Seaplane runway, \$75,000; extension of sea wall, \$100,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 14, to insert:

Naval air station, Hampton Roads, Va.: Resurfacing seaplane runways, \$50,000; extension of hangar and shop building, \$150,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 17, to insert:

Naval air station, Pensacola, Fla.: Improvement of landplane field, \$100,000; filling and grading, \$400,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 19, to insert:

Naval air station, San Diego, Calif.: Extension of barracks buildings, \$95,000; improvement of gasoline storage, \$50,000; resurfacing seaplane runway, \$25,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 22, to insert:

Naval hospital, Chelsea, Mass.: Extension of main building, \$175,000.

The amendment was agreed to.

The next amendment was, at the top of page 23, to insert:

Naval hospital, Newport, R. I.: Extension of main building, \$150,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert:

Naval hospital, Norfolk, Va.: Replacement of landing, \$45,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to insert:

Naval hospital, Puget Sound, Wash.: Extension of main building, \$150,000; extension of administration building, \$50,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 7, to insert:

Naval research laboratory, Bellevue, D. C.: Extension of laboratory building, \$125,000; improvement of pier, \$60,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to insert:

TREASURY DEPARTMENT EMERGENCY CONSTRUCTION

Coast Guard: For rebuilding and repairing stations, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1931, \$70,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 10, to insert:

WAR DEPARTMENT

EMERGENCY CONSTRUCTION

For emergency construction of public works and repairs thereto, including the same objects specified in the War Department appropriation act for the fiscal year 1931, approved May 28, 1930, for the purpose of increasing public employment, including the procurement of supplies, materials, equipment, and labor in order to accelerate construction work by the various arms, services, and bureaus of the War Department on projects already authorized by law, to remain available until expended, as follows:

MILITARY ACTIVITIES

QUARTERMASTER CORPS

Army transportation: For alteration and repair of boats, \$1,678,953.

Barracks and quarters, other buildings and utilities: For repair of buildings and roads, \$2,843,544.

Construction and repair of hospitals: For repair of buildings and roads, \$42,500.

Military posts: For construction, Army housing program, \$730,030.

SEACOAST DEFENSES

Seacoast defenses, United States, Engineers: For the construction of a magazine, extension of wharf, and miscellaneous repairs, \$92,700.

Seacoast defenses, United States, Coast Artillery: For procurement of special and technical equipment for fire-control systems and for submarine mine system, \$266,600.

Seacoast defenses, Panama Canal, Coast Artillery: For procurement of special and technical equipment for fire-control systems and for submarine mine systems, \$292,800.

AIR CORPS

Air Corps, Army: For construction and repair of technical buildings, \$504,800; procurement of airplanes to complete fifth increment, \$2,654,162; torque stands and repair of buildings and equipment, \$366,300; in all, \$3,525,262.

ORDNANCE DEPARTMENT

Ordnance service and supplies, Army: For overhaul and preservation of ordnance matériel, \$430,183.

Repairs of arsenals: For general and specific repairs to arsenals and depots, \$1,203,631.

CHEMICAL WARFARE SERVICE

Chemical Warfare Service, Army: For repair of reserve chemical plants, \$100,000.

MILITIA BUREAU

Arming, equipping, and training the National Guard: For construction of buildings and utilities at camps, \$1,205,752.

NONMILITARY ACTIVITIES

QUARTERMASTER CORPS

Cemeterial expenses: For alteration of road system and construction of administration building, Arlington National Cemetery, general repairs at national cemeteries, \$520,900.

Gettysburg National Military Park: For construction of road, \$10,000.

Shiloh National Military Park: For rebuilding and resurfacing with concrete the road situated in Shiloh National Military Park in Tennessee from the original boundaries of the park to the Corinth National Cemetery at Corinth, Miss., at a limit of cost of \$306,000, there is hereby reappropriated the sum of \$50,000 appropriated for said road in the act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes, approved May 28, 1930, and also there is hereby appropriated the additional sum of \$256,000, all to be expended under the direction of the Secretary of War under the terms of this act instead of under the terms of said act of May 28, 1930.

Antietam battlefield: For reconstruction of roads, \$150,000.

National monuments: For improvement of roads, Fort McHenry, Md., and Chalmette, La., \$90,000.

Lincoln birthplace memorial: For general improvements, \$20,000. In all, \$13,458,855.

Mr. JONES. Mr. President, I desire to offer an amendment to the committee amendment.

The VICE PRESIDENT. The clerk will report the committee amendment.

The CHIEF CLERK. On page 26, after line 13, after the word "construction," strike out the words "of administration buildings" and insert the words "repair and alteration of buildings in administrative area," so as to read:

Cemeterial expenses: For alteration of road system and construction, repair, and alteration of buildings in administrative area, Arlington National Cemetery, general repairs at national cemeteries, \$520,900.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment is agreed to.

Mr. JONES. Mr. President, I desire to offer a further amendment to that amendment.

The VICE PRESIDENT. The amendment to the amendment will be reported.

The CHIEF CLERK. On page 27, line 7, after the word "roads," insert the words "and grounds," so as to read:

National monuments: For improvement of roads and grounds, Fort McHenry, Md., and Chalmette, La., \$90,000.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment is agreed to; and, without objection, the committee amendment as amended is agreed to.

Mr. KING. Mr. President, I would like to submit an inquiry to the chairman of the Committee on Naval Affairs [Mr. HALE] and to the chairman of the Committee on Military Affairs [Mr. REED]. I notice a large number of items carried in the bill for the Navy and a large number of items for the Army. They all seem to be for improvements. I suppose that those items anticipate the appropriations which will be carried in the general appropriation bills or rather that the work which will be done under these appropriations would have been provided for under appropriations which would be carried ordinarily in the general appropriation bills?

Mr. HALE. In the general appropriation bills providing for the future.

Mr. KING. The bills which will be reported before we adjourn providing for the Army and Navy?

Mr. HALE. No; not of necessity in this year's bills. These are projects that have to be carried out in the near future. However, at the request of the President, the department reported projects which ought to be cared for in the near future and which would provide for the relief of unemployment.

Mr. KING. Is this a scheme—and I do not use the word at all offensively—to secure appropriations for the Army and Navy for the next fiscal year in advance of the regular appropriation bills for those branches of the Government?

Mr. HALE. No; I think not. It applies to work that would not necessarily have to be done in the next fiscal year, but which should be done in the very near future.

Mr. JONES. Practically all of these items can be taken care of by the 1st of July. From 70 to 90 per cent of the amounts will be expended for labor.

Mr. KING. What I mean is this: Will the appropriations which we carry in this bill enable us to reduce the appropriations in the general appropriation bills for the Army and Navy?

Mr. REED. Yes; to some extent. For example, I refer to the item which the Senate just approved for the construction of airplanes. Had we not approved this item, it would have to be carried in the regular Army appropriation bill, which will come up next week.

Mr. TYDINGS. Mr. President, I would like to offer an amendment on page 17, to strike out lines 11 to 20, inclusive.

The VICE PRESIDENT. The Chair will state that under the unanimous-consent agreement committee amendments must first be disposed of. The clerk will state the next committee amendment.

Mr. JONES. Mr. President, the remaining committee amendments in the bill are amendments to cover judgments for claims which have been audited. I ask that they may be agreed to en bloc.

The VICE PRESIDENT. Without objection the remaining committee amendments are agreed to en bloc.

The amendments referred to are as follows: On page 27, line 20, after the words "set forth in," to insert "Senate Document No. 243 and"; at the end of line 23, to strike out "\$801.89" and insert "\$860.39"; at the end of line 25, to strike out "\$419" and insert "\$503.50"; on page 28, at the end of line 2, to strike out "\$1,380.77" and insert "\$1,458.18"; in line 4, to strike out "\$17,443.20" and insert "\$18,286.67"; at the end of line 5, to strike out "\$3,238" and insert "\$3,595.91"; at the end of line 6, to strike out "\$1,404.93" and insert "\$1,483.47"; and at the end of line 7, to strike out "\$25,938.90" and insert "\$27,439.23," so as to make the paragraph read:

DAMAGE CLAIMS

For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respec-

tive departments under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," approved December 28, 1922 (U. S. C., title 31, secs. 215-217), as fully set forth in Senate Document No. 243 and House Document No. 688 of the Seventy-first Congress, as follows:

Department of Commerce, \$860.39;
Department of Agriculture, \$1,180.83;
Department of the Interior, \$503.50;
Department of Labor, \$70.28;
Navy Department, \$1,458.18;
Post Office Department (out of the postal revenues), \$18,286.67;
Treasury Department, \$3,595.91;
War Department, \$1,483.47;
In all, \$27,439.23.

The next amendment was, under the heading "Judgments, United States courts," on page 28, line 16, after the word "in," to insert "Senate Document No. 241 and"; in line 18, after the name "Navy Department," to strike out "\$4,697.08" and insert "\$8,439.76"; in line 19, before the name "War Department," to insert a semicolon and "Post Office Department, \$6,254.11"; and in line 20, after the words "in all," to strike out "\$19,195.55" and insert "\$29,192.34," so as to read:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911 (U. S. C., title 28, sec. 41, par. 20; sec. 258; secs. 761-765), certified to the Seventy-first Congress, in Senate Document No. 241 and House Document No. 690, under the following departments, namely: Navy Department, \$8,439.76; Post Office Department, \$6,254.11; War Department, \$14,498.47; in all, \$29,192.34, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

The next amendment was, under the heading "Judgments, Court of Claims," on page 30, at the end of line 6, after the word "in," to insert "Senate Document No. 244 except the judgment No. J-543 in favor of the Pocono Pines Assembly Hotels Co., amounting to \$227,239.53, and Senate Document No. 245 and"; in line 12, after the name "United States Shipping Board," to strike out "\$213,713.07" and insert "\$254,622.59"; in line 13, before the name "Department of Agriculture," to insert a semicolon and "United States Veterans' Bureau, \$61,030.62"; in line 14, after the figures "\$14,988," to insert a semicolon and "Department of the Interior (Indians), \$2,169,168.58"; in line 15, after the name "Navy Department," to strike out "\$60,447.74" and insert "\$84,272.44"; in line 17, after the name "War Department," to strike out "\$170,189.95" and insert "\$170,688.61"; and in the same line, after the words "in all," to strike out "\$460,770.68" and insert "\$2,756,202.76," so as to make the paragraph read:

For payment of the judgments rendered by the Court of Claims and reported to the Seventy-first Congress, in Senate Document No. 244 except the judgment No. J-543 in favor of the Pocono Pines Assembly Hotels Co., amounting to \$227,239.53, and Senate Document No. 245 and House Document No. 693, under the following departments and establishments, namely: United States Shipping Board, \$254,622.59; United States Veterans' Bureau, \$61,030.62; Department of Agriculture, \$14,988; Department of the Interior (Indians), \$2,169,168.58; Navy Department, \$84,272.44; Treasury Department, \$1,431.92; War Department, \$170,688.61; in all \$2,756,202.76, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in such judgments.

The next amendment was, on page 40, after line 6, to insert:

AUDITED CLAIMS

Sec. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1928 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in Senate Document No. 247, Seventy-first Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For Interstate Commerce Commission, \$1.16.
For vocational rehabilitation, Veterans' Bureau, \$1,386.16.
For salaries and expenses, Veterans' Bureau, \$127.40.

For military and naval compensation, Veterans' Bureau, \$5.34.
For Army pensions, \$66.84.

DEPARTMENT OF AGRICULTURE

For salaries and expenses, Weather Bureau, \$11.58.
For general expenses, Bureau of Animal Industry, \$32.50.
For salaries and expenses, Bureau of Animal Industry, \$13.25.
For salaries and expenses, Bureau of Plant Industry, \$23.20.
For salaries and expenses, Forest Service, 57 cents.
For general expenses, Bureau of Agricultural Economics, \$13.19.

DEPARTMENT OF COMMERCE

For increase of compensation, Department of Commerce, \$806.96.
For air navigation facilities, \$33.50.
For promoting commerce, Department of Commerce, \$453.54.
For party expenses, Coast and Geodetic Survey, \$78.92.

DEPARTMENT OF THE INTERIOR

For surveying the public lands, \$17.70.
For Yosemite National Park, \$150.
For medical relief in Alaska, \$211.50.
For Indian boarding schools, \$3.20.
For support of Indians in Nevada, \$9.50.
For support and civilization of Indians, \$13.50.

DEPARTMENT OF JUSTICE

For detection and prosecution of crimes, \$15.10.
For salaries, fees, and expenses of marshals, United States courts, \$578.25.
For salaries and expenses of district attorneys, United States courts, \$19.50.
For fees of jurors, United States courts, \$19.60.
For support of United States prisoners, \$174.

DEPARTMENT OF LABOR

For expenses of regulating immigration, \$13.27.
For miscellaneous expenses, Bureau of Naturalization, 75 cents.

NAVY DEPARTMENT

For pay, miscellaneous, \$226.40.
For transportation, Bureau of Navigation, \$188.69.
For pay, subsistence, and transportation, Navy, \$3,061.43.
For pay of the Navy, \$3,366.71.
For maintenance, Bureau of Supplies and Accounts, \$2,041.95.
For freight, Bureau of Supplies and Accounts, \$105.39.
For aviation, Navy, \$9,422.
For pay, Marine Corps, \$401.15.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For clerks, first and second class post offices, \$51.65.
For compensation to postmasters, \$69.42.
For freight, express, or motor transportation, etc., \$72.93.
For indemnities, domestic mail, \$209.62.
For railroad transportation and mail-messenger service, \$25.
For rent, light, and fuel, \$2,550.
For rural-delivery service, \$78.91.

TREASURY DEPARTMENT

For collecting the revenue from customs, \$112.95.
For Coast Guard, \$78.
For outfits, Coast Guard, \$7,015.46.
For pay and allowances, Coast Guard, \$33.
For repairs to Coast Guard vessels, \$72.97.
For enforcement of narcotic and national prohibition acts, internal revenue, \$768.05.
For freight transportation, etc., Public Health Service, \$8.01.
For mechanical equipment for public buildings, \$3.15.

WAR DEPARTMENT

For registration and selection for military service, \$173.
For pay, etc., of the Army, \$6,622.38.
For pay of the Army, \$1,333.57.
For pay, etc., of the Army, war with Spain, \$2.40.
For increase of compensation, Military Establishment, \$1,808.29.
For Army transportation, \$519.90.
For clothing and equipage, \$24.13.
For general appropriations, Quartermaster Corps, \$340.54.
For incidental expenses, Quartermaster's Department, \$64.
For medical and hospital department, \$837.90.
For fire control at fortifications, \$12.03.
For Air Service, Army, \$38.55.
For arming, equipping, and training the National Guard, \$80.88.
For Reserve Officers' Training Corps, \$19.80.
Total, audited claims, section 3, \$46,120.19, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The next amendment was, on page 45, line 4, to change the section number from 3 to 4.

The next amendment was, on page 46, line 21, after the numerals "1875" and the parenthesis, to strike out "23 Stat. 254" and insert "18 Stat. 481"; in line 23, after the word "in," to insert "Senate Document No. 246 and"; in line 25, after the words "under the," to insert "following departments, namely: Department of the Interior,

\$29,365.40"; and on page 47, at the end of line 1, after the figures "\$492.13," to insert "in all, \$29,857.53," so as to read:

For payment of interest on amounts withheld from claimants by the Comptroller General of the United States, act of March 3, 1875 (18 Stat. 481), as allowed by the General Accounting Office, and certified to the Seventy-first Congress in Senate Document No. 246 and House Document No. 689, under the following departments, namely: Department of the Interior, \$29,365.40; Treasury Department, \$492.13; in all, \$29,857.53.

The next amendment was, on page 47, line 3, after the word "section," to strike out "3" and insert "4," and in the same line to strike out "\$5,256.75" and insert "\$34,622.15," so as to read:

Total under section 4, \$34,622.15.

The next amendment was, on page 47, line 4, to change the section number from 4 to 5.

The VICE PRESIDENT. The Senate will return to the amendment passed over.

Mr. JONES. Mr. President, I ask that the clerks be authorized to correct all totals where necessary.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment which was passed over will be stated.

The CHIEF CLERK. The amendment passed over is, on page 14, from lines 8 to 17, inclusive, as follows:

Administration of Indian forests: For an additional amount for the preservation of timber on Indian reservations and allotments, other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, and the general administration of forestry work, including fire prevention, fiscal year 1931, \$50,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

Mr. WHEELER. Mr. President, I wish to say that I have ascertained I was wrong when I said that the money proposed to be appropriated by the amendment was to be taken out of the Indian funds. The \$50,000 appropriation provided for in the clause beginning in line 8, on page 14, is not to be taken out of Indian funds but is to be taken out of the general funds of the Treasury. It is to be used, however, only in the event there is not enough money available from the sale of Indian timber to do the work which it is desired to do. In other words, if all of the Indian money derived from the sale of timber is used up for the preservation of timber or the building of roads or for any other purpose desired, then the \$50,000 shall be available. I suggested to the Senator from Utah that I would have no objection to the amendment if the Senate would strike out the proviso beginning in line 14, which reads as follows:

Provided, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

The Senator has suggested to me that if my construction of that language be correct when the amendment gets into conference the conferees will see that the objectionable language is stricken out.

Mr. SMOOT. In that event I shall ask that it be disagreed to.

Mr. WHEELER. Then I have no desire to take up the time of the Senate in a discussion of the amendment.

Mr. SMOOT. I think the Senator's construction of the language is not correct, but if on further consideration it should prove to be correct, then action could be taken accordingly. Of course, we do not want to impose any obligation upon the Indians through the cutting of their timber if it shall not be proper to do so.

Mr. WHEELER. I am sure the Senator from Utah does not desire to do that. I called the attention of the Indian Bureau to the fact that I think the charges they have been imposing on the Indians are unjust. I say it in the most friendly spirit toward the department, but it is something that has crept into the administration of the Indian forest lands, and it ought to be stopped. The fact is they have

been using much of the Indians' money in the building of roads and for other purposes which have not been for the benefit of the Indians but have been almost entirely for the benefit of the lumber companies that have been operating on Indian lands. When the timber is cut off the roads remain, but there is nobody to travel over them except once in a while an Indian. That has been extremely unfair to the Indians in many cases.

Mr. SMOOT. I should like to have the Senator from Montana write me a letter in relation to it.

Mr. WHEELER. I shall do so.

The VICE PRESIDENT. Does the Senator from Montana suggest an amendment to the committee amendment?

Mr. WHEELER. I suggested such an amendment to the Senator from Utah, but he explained to me that if my construction of the language shall be correct he will be glad to take care of the matter in conference.

The VICE PRESIDENT. Without objection, the committee amendment is agreed to.

Mr. JONES. That completes all the committee amendments that have been passed over. There are, however, three or four committee amendments which I am authorized to present on behalf of the committee.

Mr. REED. Mr. President, before the Senator from Washington offers those amendments will he not allow me to call attention to an error in one of the committee amendments occurring on page 26, line 14? At that point there should be inserted the word "and" after the word "cemetery."

Mr. JONES. I think that is correct.

Mr. REED. So that the clause would read:

And general repairs at national cemeteries.

Mr. JONES. I ask for a reconsideration of the vote by which that amendment was agreed to.

The VICE PRESIDENT. The vote whereby the amendment was agreed to will be reconsidered and, without objection, the amendment will be amended as proposed by the Senator from Pennsylvania, and, without objection, the amendment as amended will be agreed to.

Mr. JONES. There are three or four amendments that the committee has considered very carefully and decided to recommend to the Senate. They are all subject to points of order if any Senator feels that points of order should be made, but the committee, as I have stated, decided to recommend them to the Senate because of the peculiar situation and conditions.

One of those amendments relates to the Senate itself and provides:

That Public Resolution No. 87, approved February 10, 1923, is amended to read as follows: "That salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified; and salaries of Senators elected to fill such vacancies shall commence on the day they qualify: *Provided*, That when no appointments have been made, the salaries of Senators elected to fill such vacancies shall commence on the day following their election."

That far, Mr. President, the language is the same as that of the existing law. The addition that the committee proposes to make reads as follows:

Provided further, That when Senators have been elected during a sine die adjournment of the Senate, at a time other than a general election, to succeed appointees, the salaries of Senators so elected shall commence on the day following their election, and the salaries of such appointees shall cease on that date.

I think all Senators will see the point to that. It is to meet a situation that confronts us now. So I offer the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington on behalf of the committee will be stated.

The CHIEF CLERK. On page 2, after line 8, it is proposed to insert the following:

That Public Resolution No. 87, approved February 10, 1923 (42 Stat. 1225), is amended to read as follows: "That salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified; and salaries of Senators elected to fill such

vacancies shall commence on the day they qualify: *Provided*, That when no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election: *Provided further*, That when Senators have been elected during a sine die adjournment of the Senate, at a time other than a general election, to succeed appointees, the salaries of Senators so elected shall commence on the day following their election, and the salaries of such appointees shall cease on that date."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. Mr. President, we are all familiar with the proposition of constructing a road from Washington city to Mount Vernon. The authorization for the appropriation has been exhausted. It will take about \$2,700,000 to finish that road. It is very desirable that it shall be finished by 1932, and the amendment I am going now to propose provides the necessary \$2,700,000. Legislation to cover the item has been presented, but no action has as yet been taken on it. However, the committee felt, under the circumstances and in view of the importance of the project, that we would be justified in recommending to the Senate that the \$2,700,000 be appropriated. So I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 12, after line 6, it is proposed to insert the following:

Bureau of Public Roads: For an additional amount for paving and other expenses of constructing the highway from Washington, D. C., to Mount Vernon, Va., including all necessary expenses for the acquisition of such additional land adjacent to said highway as the Secretary of Agriculture may deem necessary for the development, protection, and preservation of the memorial character of the highway, \$2,700,000 to remain available until June 30, 1932.

Mr. KING. I should like to ask the Senator the aggregate cost of the Mount Vernon road?

Mr. HOWELL. Mr. President—

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. JONES. The authorization so far has been four and a half million dollars. That has all been appropriated. It is now estimated that it will cost \$2,700,000 additional to complete the road.

Mr. KING. That is six or seven million dollars for a road less than 25 miles long.

Mr. JONES. That is true.

Mr. HOWELL. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. I yield.

Mr. HOWELL. As I understand, this appropriation has nothing to do with the construction of the road, but is merely for the purpose of buying land between the right of way for this road and the water front along the Potomac River?

Mr. JONES. I do not so understand, I will say to the Senator. A portion of it is to be used for that purpose; a portion of it is to be used for beautifying the adjoining lands along the road; and the remainder is to be used for actual construction.

Mr. HOWELL. My understanding is that the construction has been fully provided for, and this item is for the purchase of lands between the right of way of this highway and the river.

Mr. PHIPPS. Mr. President, will the Senator yield to me for a moment?

Mr. HOWELL. I yield.

Mr. PHIPPS. I should like to say that I think the amount provided by the amendment includes the necessary cost of paving the highway.

Mr. JONES. Oh, yes; of putting the road in first-class shape.

Mr. HOWELL. I inquire, what proportion of this amount is for paving?

Mr. JONES. Here is what Mr. MacDonald, the head of the Public Roads Bureau, says:

We are now ready, Senator PHIPPS, to award the contract for the paving. The grading is practically complete. The bridges are well

along toward completion. We have the schedule well in hand, so that if we can award the contract for the paving within the next month we will have the road ready for use by the end of the year.

The grading is finished, but the paving has not been started.

Mr. HOWELL. How much is there left of the fund—

Mr. FESS. Mr. President, will the Senator yield?

Mr. HOWELL. I yield to the Senator from Ohio.

Mr. FESS. The bridge and the grading and filling at Hunting Creek are not nearly completed, and also at Little Hunting Creek. In other words, there is some very expensive masonry work that has not as yet been completed. The grading has not been entirely completed and will not be completed until next spring. On the other hand, as I told the Senator from Nebraska in conversation with him, there is a good deal of additional expense which was not expected. For instance, there is the expense involved in taking out two spans of a bridge and making a detour on that account, which cost nearly \$50,000, and which was not estimated for at all when the original estimate was made. Also there has been a change in the plan as to Columbia Island. So there are several items involving much greater expense than was originally contemplated.

I think the Senator from Nebraska got the idea that this amount was all for the purchase of land from me when I talked with him the other day, but I was in error about that.

Mr. HOWELL. What proportion is for the purchase of land between the right of way and the river front?

Mr. JONES. I can not tell the Senator that.

Mr. HOWELL. Mr. President, it has been quite the practice in this section of the country to make the Government pay an enormous price for lands of this character. I should be very glad to withdraw the objection to the consideration of this amendment, provided that portion of the money which it is proposed to appropriate for the purchase of adjacent lands shall be eliminated until such time as condemnation proceedings advance to the point where Congress may know what is to be paid for the adjacent lands.

Mr. FESS. Will the Senator yield to me?

Mr. HOWELL. I yield to the Senator.

Mr. FESS. I have some sympathy with what the Senator says, but as soon as this boulevard shall have been completed we all recognize that the price of land in the vicinity will go sky-high, and I think it will be much better for the Government to purchase whatever land is needed for the protection of the boulevard now than to postpone purchase until later, when the land will be very much more expensive.

Mr. HOWELL. Mr. President, the rise in the value of these lands has been fully anticipated; it always is; it is usually higher just prior to purchase than afterwards. I think that if it were understood by the owners of these lands—and the lands are not highly valuable for anything except the location of homes and villas; they are not valuable for agricultural purposes—

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HOWELL. If the owners realized that whatever was to be paid for these parcels of land was to be reviewed by Congress and considered, it might have a very material effect in saving a considerable sum to the Treasury.

Mr. JONES. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. JONES. I, myself, would have no objection if the Senator will propose an amendment providing that no part of this sum shall be used for the purchase of land.

Mr. REED. O Mr. President, before that is agreed to, let me say it is a foregone conclusion that the construction of this road is going to lead to an outbreak of advertising signs, of hot-dog stands, and similar establishments which disfigure every road in the neighborhood of Washington at the present time. If we wait until such structures shall be built, and income is being derived by the landowner from all the cheap shanties which will be put up, we are going to have to pay much more for these properties than if we buy them as vacant land. I hope the Senator will not put his amendment in that form. If he wants to require every

piece of land to be condemned, so that we will be protected against any unwise and excessive payment, I will be glad to see him do that, and I appreciate that he is trying to save money for the United States; but we ought not to postpone action in getting title, otherwise we will have to pay much more money in the end, and the looks of the road will be spoiled in the meantime.

Mr. HOWELL. Mr. President, I think it is time that Congress should review the amounts of money that are paid by the United States, even under condemnation proceedings, for lands in this vicinity. If the owners realize that these payments are going to be considered and that the amount thereof is going to be visaed, our chance for buying cheaper will be much greater, not merely in this particular instance but in every case.

I am sorry I can not agree with the Senator from Pennsylvania to the effect that the erection of hot-dog stands and of signs is going to increase the value of this land. It will rather decrease the value of the land.

Mr. President, it will be realized that, for signs, \$100 a year is a high payment.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. PHIPPS. Having conferred with the Chief of the Bureau of Good Roads of the department, I think I can now give the Senate and the Senator some of the information desired.

I am informed that the contracts for paving will amount, in round figures, to about \$1,500,000; that the amounts that may be expended for the acquisition of property will probably be between five hundred and six hundred thousand dollars, not to exceed \$600,000; and the remainder will be required in the completion of the bridges, providing for the unforeseen contingencies—such as the closing of the Highway Bridge, which already has been referred to—and the changes in Columbia Island.

Mr. HOWELL. Mr. President, in connection with Government construction, there seems to be the idea that estimates can be made as of one amount at one time, and later the department officials can come in here and get any amount of money they see fit. Certainly the grading and the paving of this highway, which has been provided for, was estimated for. Who is responsible for these mistakes in estimates? The Senate, as a board of directors, ought to call before them those who are making these estimates that are so markedly out of line. Are we going to be induced to go into certain enterprises by low estimates, and then those who made the low estimates go scot-free after we find that the estimates are only about 50 per cent of the cost?

I should be very glad to accept this amendment, provided the amendment to the amendment suggested by the Senator from Washington is accepted.

Mr. SMOOT and Mr. McKELLAR addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HOWELL. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I desire to say to the Senator and to the Senate, too, that if we do not have any more success in condemning this land than we have had in many cases in Washington during the purchase of the land for the Federal building program, I prefer not to have any condemnations, because they have cost us more practically every time. There are one or two times when they did not; but in nearly every case the condemnation proceedings have cost us more when the Government of the United States has gone into court and asked for condemnations.

Mr. HOWELL. But is there any reason why the responsible parties in charge should not obtain an upset price from those who want to dispose of their land?

Mr. SMOOT. They ought to do so.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. HOWELL. I do.

Mr. McKELLAR. Will the Senator restate his amendment and let us see exactly what should go in?

Mr. JONES. I will ask the clerk to read the amendment that I have proposed to this amendment.

Mr. McKELLAR. Then we can see exactly what it is.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to add, at the end of the amendment, the following:

Provided, That no part of said sum shall be expended for the purchase of land.

Mr. FESS. Mr. President, I sincerely hope the Senator will not agree to that. That is one of the most important features about the amendment.

Mr. JONES. The whole proposition is subject to a point of order.

Mr. FESS. I know it.

Mr. HOWELL. Mr. President, I think that under the circumstances, as the conference committee might easily throw this out, I will make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

The bill is still on its second reading and open to amendment.

Mr. JONES. Mr. President, I have another committee amendment that is recommended by the committee, and it is subject to a point of order. This amendment deals with the situation at Lynchburg, Va.

Some time ago an appropriation of \$183,000 was made for the acquirement of additional lands in connection with the public building that they have there. There had been acquired several tracts of land in the block where the public building now is leaving unacquired a tract that is occupied by the printing establishment of the junior Senator from Virginia [Mr. GLASS]. The Senator from Virginia is not at all anxious to dispose of his property, but the Post Office Department was very desirous of acquiring that tract; and an arrangement was practically entered into between the Department and the Senator from Virginia to acquire it in consideration of this sum of \$183,000. The Senator, of course, would have to remove his printing plant. That would cost him twenty-five, thirty, or forty thousand dollars, for which he would get nothing.

There seems to have been a general agreement between the Senator from Virginia and the Post Office Department that this sum of \$183,000 would be accepted; but the Treasury Department came to the conclusion that the land would have to be condemned. In the condemnation proceedings, according to the solicitors, there would be several items of expense to which the Senator from Virginia would be put that could not be taken into consideration. It also appeared that there is a statute against a contract between the Government and a Member of the Senate or the House of Representatives. So, to meet the peculiar situation, the committee decided to recommend to the Senate for its consideration an amendment that is recommended very strongly by the Post Office Department; and I present this amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 24, after line 5, it is proposed to insert the following:

OFFICE OF THE SUPERVISING ARCHITECT

Lynchburg, Va., post office and courthouse: There is hereby authorized and directed to be acquired for this project for the sum of \$183,000, by purchase agreement with the owner notwithstanding the provisions of any other law, subdivisions of lot 8, city block Nos. 214 and 216, abutting on Ninth Street and immediately adjoining the property of the United States Government, including the building thereon. The appropriations made for this project under the provisions of the second deficiency act, fiscal year 1928, approved May 29, 1928 (45 Stat. 921), and of the first deficiency act, fiscal year 1930, approved March 26, 1930 (46 Stat. 119), shall be available for payment of said sum of \$183,000, to be paid in full settlement and release of all claims and demands of whatsoever nature or character arising out of or in any manner connected with the acquisition hereunder authorized. The owner and occupant of the property authorized to be acquired hereunder shall be afforded a reasonable time, not exceeding 12 months from the date of approval hereof, within which to remove his plant therefrom and to another site.

Mr. JONES. Mr. President, I ought to say, too, that judging from the facts presented to the committee the people of Lynchburg are practically unanimous in desiring to have this property acquired as a part of the site for the public building.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington on behalf of the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, there is another amendment that is subject to a point of order that the committee has considered very carefully, and presents to the Senate with its recommendation.

The reclamation situation is rather critical. Several projects are under way by the Reclamation Service. These projects were undertaken when conditions indicated that there would be plenty of money to carry on these projects. Sufficient money to carry them on is not available, however. Unless money is made available in some way, the Government is going to lose a lot of money, and these projects are going to be delayed, to the very great damage of the settlers and to the reclamation works that have already been undertaken.

Several years ago, I think in 1910 or 1914, we passed a law authorizing the turning over to the reclamation fund of \$20,000,000, to be repaid to the Treasury after a certain period of time at the rate of \$1,000,000 a year. The repayment of this sum began about 10 years ago; and every year during the last 10 years a million dollars of the reclamation funds that have come in has been turned into the Treasury instead of into the reclamation fund. There are about 10 payments still to be made.

The committee came to the conclusion that under the peculiar circumstances confronting the Government and confronting reclamation work, it would be wise to suspend these payments for a period of five years. In other words, instead of turning over to the Treasury during the five years, including this fiscal year, \$1,000,000 each year, the \$1,000,000 would go into the reclamation fund to aid in carrying on the projects that are under way. Then, after five years, out of the reclamation fund we would begin to pay into the Treasury at the rate of a million dollars a year.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. JONES. I yield to the Senator.

Mr. CARAWAY. This is public money loaned without interest to the projects?

Mr. JONES. That is practically true.

Mr. CARAWAY. I do not expect to object to it. However, we are trying to have drainage and levee districts that are utterly incapable of carrying on their projects refinanced, and that seems to be meeting with opposition.

Mr. JONES. I desire to say to the Senator from Arkansas that, so far as I am concerned, I have been very much in favor of something being worked out along those lines with reference to drainage, and I have been ready personally to cooperate to that end.

Mr. CARAWAY. I have no doubt of that. I am just calling attention to the fact that the bill passed the Senate and is held up in the other House, and we can not even get consideration of it.

Mr. JONES. I think that is a very important matter.

So, Mr. President, with that statement, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 12, after line 9, it is proposed to insert the following:

BUREAU OF RECLAMATION

The annual payments required to be made from the reclamation fund to the general funds in the Treasury as reimbursement for advances made in accordance with the provisions of the act entitled "An act to authorize advances to the 'reclamation fund,' and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," approved June 25, 1910, as amended, are hereby suspended for a period of five years, beginning with the fiscal year ending June 30, 1931.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington on behalf of the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, those are all the amendments of the committee.

The reading of the bill having been concluded—

Mr. TYDINGS. Mr. President, on page 17 of the bill, commencing with line 11 and ending with line 20, is a provision to increase the appropriation for the Bureau of Prohibition. I do not want to oppose any reasonable appropriations to the Prohibition Bureau to carry out its particular function, but I do feel that enough money is now being appropriated to carry it on on the plane on which it seems to be the wish of the Congress that it should conduct its affairs.

I would be glad to increase the amount of money a great deal if we are to have more enforcement; but just to put on 15 or 20 more agents in a country with a population of 120,000,000 is ridiculous, nothing more than a waste of public funds. Unless we are going to have a large prohibition force, which can police the whole country, providing for 20 or 25 more employees is not going to serve any purpose whatsoever.

I therefore move that all of lines 11 to 20, inclusive, on page 17, be stricken from the bill. In my judgment the Prohibition Bureau will not be helped at all by getting this additional money, because it is only a drop in the bucket.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. WHEELER. I was going to ask the Senator if his suggestion is in accordance with the Wickersham report, or to ask if he had looked at that report to find out what they had to say with reference to the matter.

Mr. TYDINGS. The Wickersham report, in a sentence, seems to admit there are a lot of bad conditions in the country, and they seem to feel that we ought to keep on as we are going in order to clear up those bad conditions. Just how they can reconcile the two premises I do not see. For my part, I have had enough of the farce, and I want to see the matter put into the hands of the States, where the people can settle it better for themselves than others can settle it for them.

Mr. President, I ask that this sum of money, about \$543,370, be kept in the United States Treasury, it not being needed, and the expenditure being a waste of funds. We need this money for other purposes in these days of depression a great deal more than we need to have a lot of spies turned loose on the people of the country, and the small degree of additional enforcement which will come from this additional half million dollars will not be a drop in the bucket. It is just a gesture. It does not mean anything at all. It is just a waste of half a million dollars, the appropriation of which will not accomplish anything worth while.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. TYDINGS. I yield.

Mr. KING. The Senator will recall that we just wasted \$500,000 on the Wickersham Commission. What is \$500,000 more?

What I wanted to ask the Senator was this: Is this to pay the salaries of employees who are now in the bureau, or is it to pay the salaries of new employees, and if so, for what period? If this amount is preserved in the bill, will it be deducted from the general appropriation bill which is supposed to have made provision for this bureau for 1932?

Mr. TYDINGS. My understanding is that this appropriation is to be used in accordance with the wishes of the Director of the Bureau of Prohibition. He can use it to increase some salaries where he feels increases are needed, or he can use it to employ additional enforcement agents, and I believe that is the reason for it.

We hear a lot from time to time from a great many people to the effect that they are not satisfied with present dry-law enforcement, and whenever there is criticism of law-enforcement methods the answer always is to have more of the same kind of enforcement. People say, "We are not

satisfied with it," and then Congress puts on 200 more agents to do the same thing, to a greater degree, about which the people complain.

I want to submit to those Senators who come from States where prohibition is favored that in the State of Illinois last year the people passed on the question, "Shall the eighteenth amendment be repealed?" By a plurality of 2 to 1 they voted that they wanted to have the amendment repealed. Over a million people voted for its repeal, and only about 500,000 voted to retain it. Senators know the answer in Massachusetts, where the same question was submitted.

Are we to have a government of the people in this country, who will have the kind of laws they want, or are the 96 subings sitting in the Senate to tell the people what kind of laws we want them to live under? If we add together the populations of the States where referenda have been held on this question, we will find that nearly half the people voted directly in opposition to the very philosophy we are about to adopt in this bill.

It seems to me that we have gone far enough in the futile waste of money. There is no enforcement in the country. Why go on with this sham, with speak-easies all over the country, with graft and corruption reaching up to the judiciary in many cities, with Federal grand juries denouncing the system here, there, and everywhere, even bringing to light the fact that in Philadelphia one police inspector with a salary of \$3,000 a year had \$163,000 in cash in bank; another one, \$75,000; another one, \$64,000; and 13 captains, whose salaries were \$2,400 a year, had cash deposits of over \$20,000, one of them running over a hundred thousand dollars, in that city.

In the city of Pittsburgh the United States Federal grand jury say that enforcement is impossible, because the police force is in rebellion against the philosophy of the law and will not help to support it.

In Detroit there is the same condition. There are the killings in Chicago we hear about. It is justifiable nowadays to take human life without a trial for the commission of a felony. Lynch law by Congress is all it is; and when the accounts are related on the floor of one branch of Congress the Representatives of the people applaud the lynching of a man, who was shot down in cold blood because he was suspected of committing an offense.

How far are we to go with it? Where are we to stop? Who runs this Government, the people who pay the taxes and who elect us here, who express their views over and over again in opposition to what we are about to do—are they to be consulted; is their will to govern; or are we supermen to tell them the government under which they are to live?

Think of the intemperance of the thing! Think of the intemperance of forcing upon the people of Illinois, not the wishes of the people of Illinois, but the wishes of the people, say, of Kansas or Texas or Maryland, as the case may be. It is their State; it is their local affair; and every time we reach out into the domain that is properly theirs, they surrender up the whole thing to us, and chaos and corruption result in all cases.

I believe that this amendment of mine will be defeated, because you can get millions of money from Congress to put on more prohibition agents whenever you want it, but you can not get a cent to rehabilitate the sick, or the depressed, or the farmers, or what not. You can waste it by giving it to a lot of prohibition agents to go around destroying the liberty and the freedom of the people.

For my part, I have reached the end of the enforcement scheme. I am not afraid of what they may do to me in the future. I think the whole thing is so ridiculous—to suppose that five or six thousand Federal prohibition agents can police a country of 120,000,000 citizens, scattered over an area 2,000 miles long and about a thousand or 1,500 miles wide—that it is not worth thinking about.

One big city has more policemen to enforce its laws than we have prohibition agents for the whole United States. Yet we are going to put on 20 new agents, and then there will be no drinking, no more bootlegging, no more speak-easies; it is all going to stop when we spend this half million

dollars more! All right; spend it, if you will. For my part, I shall vote to keep it in the Treasury.

Mr. JONES. Mr. President, I think we had better have a vote rather than enter into a discussion.

Mr. KING. Mr. President, I understand, from the statement made by the Senator from Maryland, and from the press, that this appropriation is sought in order to employ a large number of additional prohibition agents, because it is deemed necessary to have a larger force in various parts of the United States. Yet I find that \$319,061 of this amount is to be spent in Washington. It seems to me that if my premise is right, this appropriation ought to be modified, and a smaller amount appropriated.

Mr. JONES. Mr. President, according to the House hearings, the appropriation is made necessary by the transfer of the Prohibition Unit from the Treasury Department to the Department of Justice, and also to provide for 130 additional special agents.

Mr. KING. The Senator knows that provision was made in the 1931 appropriation act, both for the Department of Justice and the Treasury Department, to concentrate all of those who were employees of those two departments. If there has been a transfer—and I understand there has been—of the agents of those departments to the Prohibition Unit, the appropriations heretofore made would be available for the payment of their salaries for the fiscal year 1931.

Mr. JONES. I just take the statement made in the House hearings. We had no hearings with regard to it before the Senate Committee on Appropriations. There was no suggestion made that this item should be stricken out, and it was found that there is not an adequate amount of money appropriated to carry out this work, with the changed condition of things. Hence the reason for this deficiency appropriation.

Mr. KING. Mr. President, I have voted for all appropriations asked by the Executive for the enforcement of prohibition laws, notwithstanding the mistakes and inefficiency—putting it mildly—which have attended their enforcement, but I am not satisfied that there is any necessity for this appropriation. It seems to me it is merely to create jobs for a number of persons who like the Washington atmosphere.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was rejected.

Mr. COPELAND. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 26, line 9, the Senator from New York proposes to insert the following:

United States Military Academy: For repairs and alterations to buildings, roads, and electric, gas, water, and sewer systems, \$1,465,000.

Mr. JONES. Mr. President, I desire to say that this item was included in the Budget estimate sent down. A proper showing was made by one of the officials of the War Department, who went up to the academy and made a personal inspection, and so far as I am concerned, I have no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 18, after line 10, insert:

CHILDREN'S BUREAU

For carrying out the provisions of the act entitled "An act for the promotion of the health and welfare of mothers and infants, and for other purposes," approved January —, 1931, \$1,000,000.

Mr. LA FOLLETTE. Mr. President, contained in this bill is an item to provide for the modernization of three battleships. The authorization for that appropriation passed the

Senate but has not yet passed the House of Representatives. The identical parliamentary situation exists concerning the maternity and infancy bill, and I think that if the Senate of the United States and the Committee on Appropriations can take action to provide for the appropriation of money for the modernization of three battleships in a situation where the House has not yet acted, it can likewise take action to provide money for the carrying out of the provisions of the maternity and infancy act.

Mr. President, upon this amendment I ask for the yeas and nays.

Mr. JONES. I do not think the Senator need ask for the yeas and nays. I appreciate the force of the suggestion he makes. Furthermore, under the rule of the Senate the amendment is in order, the maternity bill having been passed during this session of the Congress.

Mr. KING. The Senator knows the maternity bill has not yet been enacted into law.

Mr. JONES. But it passed the Senate, and under the rule of the Senate an appropriation to carry out the purposes of a measure passed during the session is in order.

Mr. KING. I am not challenging that construction of the rule, but I ask the Senator if the amount would be made available before the beginning of the fiscal year 1932, because the bureau certainly would not function until the fiscal year 1932.

Mr. JONES. If we make an appropriation, of course, the money will be available, and they are ready to carry out the purposes of the act.

Mr. KING. Will there be a further deficiency bill before we adjourn?

Mr. JONES. There will be another general appropriation bill.

Mr. KING. Why not pretermite the appropriation now when we do not know the fate of the maternity bill?

Mr. BINGHAM. Mr. President, may I ask just what is involved in the question? Do I understand correctly that if the authorization bill does not become a law then the appropriation will not be available?

Mr. JONES. Of course, if the conferees finally agree on the \$1,000,000 and it should become a law, the money would be available. Of course, there might not be any legislation to enable them to use it to carry out the purposes of the maternity bill. If the maternity bill does not become a law, there is nothing for which to use the \$1,000,000. The amendment is in order under the rule of the Senate.

Mr. LA FOLLETTE. Mr. President, some of the arguments which are being made against this appropriation would apply with equal force against the bill providing for the modernization of battleships.

Mr. BINGHAM. I have never heard it mentioned that the money for the modernization of battleships would be spent if the authorization bill is not passed by both Houses and does not become a law. We left a blank space for the date upon which the bill would become effective as a law, which would seem to indicate that if it is not approved or not passed the money would not become available. I have not heard anyone say that we could go ahead and spend money for the modernization of battleships which we do not authorize. It is significant and characteristic of this type of legislation that whenever there is something of this nature we can go ahead and spend the money, even though it is not authorized, because, forsooth, by a Senate rule and because of a bill having passed the Senate we can put the item in the appropriation bill; but I did not suppose for a minute that the money would actually be appropriated before the conferees finally agreed on the other measure.

Mr. JONES. The money may be actually appropriated, but if the other bill does not become a law then there is nothing for which the money can be spent.

Mr. NORRIS. Mr. President, why are we making an argument here against the appropriation of money for the purpose of carrying the maternity bill into effect when the maternity bill itself is in exactly the same situation as the bill providing for the modernization of battleships? They are on all fours; their position is exactly alike. Both bills

have passed the Senate. What will happen to either one of them if the appropriation bill passes both Houses and the bills authorizing the appropriation fails? That is something to be settled when we get to it. There is no use crossing that stream in the maternity case unless we likewise want to cross the same stream in the battleship case. If one can do it, the other can do it. If it is a bad practice to appropriate \$1,000,000 for mothers and babies, I suppose we would be out of order if we said it is bad practice to appropriate \$30,000,000 for the rebuilding of some battleships which in all human probability will never fire a shot.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 18, after the amendment offered by Mr. LA FOLLETTE, after line 10, to insert the following:

BUREAU OF LABOR STATISTICS

For the collection and publication of statistics of the volume of and changes in employment as required by the act of July 7, 1931, "An act to amend section 4 of the act entitled 'An act to create a Department of Labor, approved March 4, 1913,' " including personal services in the District of Columbia, \$40,000.

Mr. WAGNER. Mr. President, I am sure that this item was omitted from the deficiency bill by inadvertence, because the Congress has enacted this year a law requiring the Labor Department to collect accurate economic information as to employment and unemployment. In other words, we have a mandate from the Congress that this information be collected by the Department of Labor. At the time the bill was before us we all recognized the necessity for the information as the basis of any effort to aid in the prevention or relief of unemployment. It is paralyzing the department to have a law upon the statute books requiring certain things to be done and then to be given no appropriation to carry out that law.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WAGNER. Certainly.

Mr. SMOOT. I notice that the amendment concludes with the following words:

Including personal services in the District of Columbia, \$40,000.

That is the whole amount involved. Does the Senator know what the amount will be that is to be used for personal services in the District of Columbia?

Mr. WAGNER. I may say that I am not an expert in the drafting of such amendments. I merely want to give the bureau the sum which has been estimated to be required, about \$40,000, to collect between now and the beginning of the next fiscal year the accurate statistics relating to unemployment. We have the law requiring such collection and we have provided no facilities for carrying it out.

Mr. SMOOT. But under the amendment the Senator has proposed they could use \$39,000 of this money for employees in the District of Columbia.

Mr. WAGNER. Then let us eliminate that provision of the amendment. The money is to be given to the bureau to do the work required under the law.

Mr. SMOOT. Of course, they could not collect the information without going outside of the District of Columbia, and they could not prepare the information collected unless it is done in one of the departments. I do not know why we should have those words in the amendment, "for personal services in the District of Columbia."

Mr. WAGNER. I think perhaps the Senator from Pennsylvania [Mr. DAVIS], who has had some experience as Secretary of Labor, can enlighten the Senator.

Mr. DAVIS. Mr. President, it is not necessary for that language to be in the amendment, but it is absolutely necessary to have the appropriation.

Mr. SMOOT. I am not objecting to the appropriation. What I am objecting to is the language providing that the

\$40,000 might all be used for personal services in the District of Columbia. It could be done.

Mr. DAVIS. The statistical men who will do the work in the field in gathering the statistics will have to come here for the purpose of compiling the statistics. There are not sufficient men in the department here to do it.

Mr. SMOOT. I think it is all right without that provision, though. The department can spend the \$40,000 outside for the collection of the information, and I am not objecting to that at all. But it seems to me the regular force here, after all the work is done in the collection of the statistics outside, could analyze the information without employing additional help in the District of Columbia.

Mr. DAVIS. The men who gather the statistical data outside of the District then come here to help those who are already here in analyzing and summarizing the statistics which they have gathered, which enables the bureau to handle the work without the employment of additional men in the District for that purpose. There is not in the bureau in the District a sufficient staff to compile the statistics after they are gathered by the outside men.

Mr. WAGNER. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Certainly.

Mr. WAGNER. If the latter part of the amendment to which he makes objection is eliminated, will there be authorization by the department to pay men who are doing work in the District of Columbia?

Mr. SMOOT. From what the Senator from Pennsylvania has just said, they want the men who make the investigation in the field to come into the District and help with the work which then must be done in the District.

Mr. DAVIS. That is true, or else there will have to be additional men employed to do that work in the District. It is just as broad as it is long so far as the expenditure of money is concerned.

Mr. SMOOT. I have in mind many similar cases in the past where an amount was made available for personal services in the District of Columbia without the amount for that purpose being specified, and in the absence of such a provisions advantage has been taken of the situation and it has led to great abuses.

Mr. WAGNER. I think it would be very difficult to apportion the amount between the District and the outside activities. We will have to rely on the administrator in the department.

Mr. SMOOT. I simply call attention to it now. I am not going to object. It used to be the rule in years past not to make such a specific provision. The practice was abused so unmercifully that it was finally decided that we would not have any more appropriations of that general character. This is a new work, however, and I have not any objection to it, but I want the situation understood.

Mr. DAVIS. Yes; this is a new work under the bill which was introduced by the Senator from New York [Mr. WAGNER] and which passed earlier in the session.

Mr. LA FOLLETTE. Mr. President, may I say to the Senator from Utah [Mr. SMOOT] that this work will be under the direction of Mr. Ethelbert Stewart. I am sure the Senator knows Mr. Stewart is a public servant of long and faithful service, who certainly would not abuse any discretionary power given him.

Mr. SMOOT. I have known the gentleman referred to almost as many years as has the Senator from Wisconsin. I know that what the Senator says about him is absolutely true. I say again, however, that the only reason why I brought it to the attention of the Senate is that I do not want the abuse to go up again in the Senate.

Mr. LA FOLLETTE. I agree with everything the Senator has said. I have been entirely sympathetic with his efforts to secure the enactment of legislation which would afford adequate unemployment statistics. Now we have finally succeeded in passing one of the three bills sponsored by the Senator from New York [Mr. WAGNER], and again it is the much-abused Senate which has to come forward and on its own initiative provide the money so we can have accurate information concerning unemployment in the country.

Mr. WAGNER. Mr. President, may I say for Mr. Ethelbert Stewart, who will have charge of this work, that if we searched the whole United States we could not get a more competent official.

Mr. SMOOT. Yes; for this particular work, I agree with the Senator.

Mr. DAVIS. Mr. President, I want to add to what the Senator from New York has said that during nearly 10 years while I was Secretary of Labor not a trade organization, a manufacturers' organization, or any organization of that kind refused to take Mr. Stewart's statistics in the matter of adjusting wages.

Mr. JONES. Mr. President, I merely want to say to the Senator from New York that I assume the amendment is in order because it is authorized by existing law. Furthermore, it is the usual custom to specify in appropriations of this kind the amount of money that shall be used in the District of Columbia. That point I think we can take care of in conference, however. We will probably get the advice of the department as to how much money they will need in the District of Columbia.

Mr. WAGNER. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. BARKLEY. I desire to inquire of the Senator from Washington if he proposes to finish this bill to-night?

Mr. JONES. I desire to do so.

Mr. BARKLEY. I offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 24, after line 10, it is proposed to insert a new paragraph, as follows:

There is hereby appropriated to the Treasury Department for the Public Health Service for the fiscal year ending June 30, 1931, any unexpended balance of which shall be available for the fiscal year ending June 30, 1932, for cooperation with State health departments in rural sanitation, including medicines, biological products, personal and medical services, the sum of \$3,000,000.

Mr. BARKLEY. Mr. President—

Mr. JONES. I think I will have to make a point of order against the amendment.

Mr. BARKLEY. It is not subject to a point of order, and if the Senator will permit me, I will explain why. This amendment is based upon a bill which was introduced on the 18th of December by the Senator from Arkansas [Mr. ROBINSON]. The Committee on Agriculture and Forestry this morning, after a hearing which was participated in by State health officers and by officers of the Public Health Service, reported unanimously an authorization of this amount in the bill introduced by the Senator from Arkansas.

Mr. JONES. But the bill has not passed the Senate.

Mr. BARKLEY. No; it has not passed the Senate; but it is not subject to a point of order.

Mr. JONES. I think it is, if the bill has not passed the Senate. If the bill had passed the Senate, the amendment would be in order.

Mr. BARKLEY. If the authorization has been reported favorably by a standing committee of the Senate, under the rules it is in order.

Mr. JONES. I think the Senator is mistaken about that. The proposed legislation affecting the item has not as yet been passed. If the legislation had passed at this session, then the amendment would be in order.

Mr. BARKLEY. I think the Senator is mistaken.

Mr. JONES. I make the point of order against the amendment, Mr. President.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BARKLEY. Mr. President, is the Chair certain that he is right in his ruling? I do not mean to impugn it in any way; but I offered this amendment after consulting the parliamentary clerk, who assured me that it was in order.

The PRESIDENT pro tempore. This item has not been reported by a standing committee of the Senate, has it?

Mr. BARKLEY. Yes, it has; it has been reported by a unanimous vote of the committee this morning.

The PRESIDENT pro tempore. Is it on the calendar?

Mr. BARKLEY. It is not on the calendar.

The PRESIDENT pro tempore. Has the report been presented?

Mr. SMITH. Mr. President, the report has been presented. I reported this bill containing this identical item from the Committee on Agriculture this morning.

The PRESIDENT pro tempore. Then, the report is on the calendar.

Mr. SMITH. I reported it for the calendar.

Mr. BARKLEY. It has been reported but has not as yet been printed on the calendar.

The PRESIDENT pro tempore. It having been passed upon by a standing committee of the Senate, the Chair holds it to be in order.

Mr. JONES. I want to ask what was passed upon by a standing committee of the Senate?

The PRESIDENT pro tempore. The item of \$3,000,000, according to the statement made by the parliamentary clerk to the Chair.

Mr. JONES. Was it passed upon by the committee as an amendment intended to be proposed to the appropriation bill or as a legislative act? If it has been passed upon as a legislative act, as a proposed independent law, I know of no rule under which it comes unless it has passed the Senate during this session. There is a rule of the Senate with reference to amendments proposed and reported by standing committees. I do not know whether this item has been reported in the form of an amendment or not.

Mr. McKELLAR. Mr. President, let me call the attention of the Senator to Rule XVI, from which I quote as follows:

Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

Mr. JONES. This is an amendment, as I understand, while it is a legislative act which has been reported from the committee.

The PRESIDENT pro tempore. The Chair's understanding of the statement made by the Senator from Kentucky is that a standing committee of the Senate, to wit, the Committee on Agriculture and Forestry, has authorized the presentation of this item. The Chair will seek information from the chairman of the committee on the subject.

Mr. McNARY. Mr. President, I was not present in the committee at the time action was taken; but I am familiar with the situation. A bill covering the item was introduced and referred to the Committee on Agriculture and Forestry. That bill was acted upon favorably this morning and reported by the Senator from South Carolina [Mr. SMITH].

The PRESIDENT pro tempore. Was the Senator from Kentucky authorized by a standing committee to present it as an amendment to the pending measure?

Mr. McNARY. I will have to refer that question to the Senator from West Virginia [Mr. HATFIELD], who was in charge of the committee in the absence of the regular chairman.

Mr. SMITH. Mr. President, what was the inquiry propounded by the Chair of the Senator from Oregon?

The PRESIDENT pro tempore. The Chair was endeavoring to ascertain from the chairman of the committee exactly what took place in the committee.

Mr. McNARY. I feel quite certain that there was no authorization given to any member of the committee to offer the item as an amendment, but there was authorization simply to report the bill, and the Senator from South Carolina was authorized to report it favorably.

Mr. SMITH. That is what occurred.

Mr. HATFIELD. That is true, Mr. President.

Mr. SMITH. It was reported in regular order as a bill to be placed on the calendar.

Mr. COPELAND. Mr. President, if this is a border line case, I think we should err on the side of humanity. I know nothing about the conference that was held, but if

the Senator from Kentucky has stated the situation accurately, as I have no doubt he has, there was a conference participated in by officers of the United States Public Health Service and health officers from various communities and States. Is that correct?

Mr. BARKLEY. Yes; there was a hearing before the Committee on Agriculture on the bill introduced by the Senator from Arkansas [Mr. ROBINSON]. That hearing was participated in by Doctor Cummins, Surgeon General, and Doctor Draper, Assistant Surgeon General, of the Public Health Service and by State health officers. The committee authorized the bill to be reported.

In frankness I will say that specific authority was not given to me by the committee to offer this item as an amendment, but I have consulted with the chairman of the committee, the Senator from Oregon, and with the Senator from West Virginia, who was in the chair at the time the committee acted, and other members of the Committee on Agriculture and Forestry, and they have expressed no objection to the offering of this as an amendment to the pending bill. The conditions are very emergent, and if the Senate had heard the testimony given to the Committee on Agriculture this morning, there is no sort of question but that this amendment would be agreed to.

The PRESIDENT pro tempore. The Senator from Kentucky is now speaking to the merits of the amendment. Under the first paragraph of Rule XVI, the Chair, while agreeing with what the Senator from New York has stated that it is a border-line case, is of the opinion that the point of order must be sustained under the exact language of the rule.

Mr. CARAWAY. Mr. President, if the Senator from Washington will yield to me for just a moment, I should like to say that I sincerely hope in this particular case the Senator will not object. I want to add that an epidemic of pellagra and typhoid fever is already breaking out in the drought-affected areas. Pellagra has increased in the State of Kentucky 300 per cent. The State boards of health of one or two of the States personally, and the health officers of many others by letter, sought to impress upon the committee that unless action was taken immediately there was a great disaster in front of the people. I sincerely hope that the Senator will not urge the objection.

Mr. JONES. Mr. President, under the conditions set out by the Senator from Arkansas and the Senator from Kentucky, and in view of the fact that the Committee on Agriculture and Forestry reported favorably a bill on this subject this morning, I feel disposed, under the peculiar circumstances, to withhold the point of order and do the very best that can be done in conference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHORTRIDGE. Mr. President, I offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 19, after line 4, it is proposed to insert the following:

Alterations and repairs to the U. S. S. *Henry County*: For alterations and repairs to the U. S. S. *Henry County*, \$125,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JONES. Mr. President, I do not understand what is the object of the amendment.

Mr. SHORTRIDGE. A steamship belonging to the United States was at Norfolk—

Mr. JONES. Oh, it relates to a steamship.

Mr. SHORTRIDGE. Yes. The State of California contributed \$25,000 to the Navy Department to send the vessel round to where it now is at Mare Island. The proposition now is to put it into shape as a training ship. I was given to understand that it was estimated for by the Budget. I understand the amendment I suggest is proper at this time.

Mr. JONES. When did the Budget submit an estimate regarding it? I thought that it was not covered by a Budget estimate.

Mr. SMOOT. I never heard of it.

Mr. SHORTRIDGE. It may be the Senator from Utah never heard of it, but I have called it to the attention of various Senators several times. In a letter from the Bureau of Construction and Repair of the Navy Department dated December 27, 1930—

Mr. SMOOT. Addressed to whom?

Mr. SHORTRIDGE. Addressed to me. It is stated that the funds for this work were included in the Budget for 1932, but were not allowed—that is to say, they have not been allowed in the bill which is now before us—as I understand.

Mr. JONES. I understand that the department submitted the estimate to the Budget Bureau, but the Budget Bureau would not send it down here in its estimates.

Mr. SHORTRIDGE. I received further information that it had been included, though I may be in error as to that.

Mr. JONES. Mr. President—

Mr. SHORTRIDGE. Moreover, if the Senator will permit me—and then I will be glad to be advised—I repeat that the State of California furnished the Government some \$25,000 to make certain repairs, sending this ship to California, and toward the cost of reconditioning it for use as a training ship. That money, I repeat, was devoted to certain preliminary repairs and to sending the vessel from the Norfolk Navy Yard around to Mare Island, where it now is.

Mr. SMOOT. Why did California advance that money?

Mr. SHORTRIDGE. Because it was considered upon all hands that it was highly desirable to have this vessel put into shape as a training vessel for the purpose of training future seamen for the American merchant marine and the American Navy.

Mr. WATSON. Is the ship now at Mare Island Navy Yard?

Mr. SHORTRIDGE. It is now at the Mare Island Navy Yard.

It may be, Senators, that this amendment of mine is open to a point of order. I have heard it stated by some that it was at this time proper to offer it, while others have told me that it was subject to a point of order. I have sat here this afternoon and very gladly refrained from raising points of order because of the meritorious features of proposed amendments. Now I submit to those who do me the honor to listen that this is a meritorious amendment. The smiling approval of Senators here would seem to indicate that it is. In order to make an end of the matter, and not to delay the Senate, I hope that no point of order will be raised. If the amendment should go into conference, and gentlemen upon further study think it is not proper, they will so rule, and I shall be obliged then to trouble the Senate again when the next deficiency bill or the regular naval appropriation bill comes before us, or to delay the Senate in urging an independent bill. Of course, if an independent bill authorizing this appropriation is necessary and no such bill is passed, this suggested appropriation would fall and the Government suffer no loss.

Mr. JONES. The Senator, I think, could well present the amendment in connection with the regular naval appropriation bill. I do not think it ought to go in a bill of this kind. So I feel constrained to make the point of order.

The PRESIDENT pro tempore. The point of order is sustained. The bill is still before the Senate and is open to amendment. If there are no further amendments, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. McNARY. Mr. President, I ask unanimous consent for the present consideration of the Agricultural Department appropriation bill for 1932.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 15256) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. McNARY. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that it be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ARTICLE BY JOSEPH CONRAD FEHR ON DUAL CITIZENSHIP

Mr. KING. Mr. President, there appeared in Current History for December, 1930, a most excellent article by Joseph Conrad Fehr, an international lawyer of high standing living in Washington, dealing with the question of dual citizenship as an international problem. The question discussed is a live one, because a number of countries insist that American citizens of foreign birth, or whose parents were of foreign birth, are subject to military service in such countries. The result is that American citizens are constantly annoyed by these claims, and some of them refrain from traveling abroad because of difficulties which they might there encounter. I am sure the article will prove instructive to all who are interested in this matter, and I ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Current History for December, 1930]

DUAL CITIZENSHIP AN INTERNATIONAL PROBLEM

By Joseph Conrad Fehr, international lawyer

The fact that under Swiss law President Hoover is still Swiss and technically subject to military service in Switzerland just because his original ancestor, a man then going by the name of Huber, came to this country from Switzerland more than a hundred years ago, illustrates how serious as well as absurd the doctrine of dual nationality can be.

The annoyances to United States citizens resulting from dual nationality have become so obnoxious that Congress on May 28, 1928, passed a joint resolution requesting the President to negotiate with nations not yet parties to naturalization treaties with this country in order to protect American citizens from forced military or naval service when temporarily sojourning in the countries of their own or their parents' origin. The chief aim of this resolution is world-wide recognition of an individual's right to voluntary expatriation from his native land and subsequent naturalization as a citizen or subject of another country, and of the immunity of persons born in the United States of parents having the nationality of another country from liability for military and other services in the latter.

By way of reaction the Italian Government announced that henceforth her sons who are now citizens of other countries are free to visit in Italy in time of peace with exemption from military service. Heretofore Italy was perhaps the most obstinate of all the nations in declining to enter into naturalization treaties with the United States, because under Italian law subjects of Italy remain liable for military service in Italy even though naturalized abroad. France, Switzerland, Russia, and Turkey are only a few of the other countries which regard a native-born American citizen as a subject of their own countries because of his father's original allegiance. As long as the United States makes the same claim concerning children born abroad of American parents it is a foregone conclusion that the Department of State and Congress will have to make some concessions in order to obtain the desired result.

While native-born or naturalized American citizens stay out of countries where they or their parents were born and owed original allegiance, they are given the full protection which the United States accords to all its citizens. Complications arise, however, when these American citizens enter the countries of their own or their fathers' birth. During the World War there were thousands of former Italians, Frenchmen, and Russians who, though naturalized American citizens, were called to the colors by their native land, and the United States was practically helpless to prevent their impressment into such military service. In time of war such chaotic conditions are, of course, excusable. But when, in time of peace, these foreign nations assess military taxes against their former citizens or subjects and seek to collect them in the countries of their adoption, it is high time that steps be taken to remedy matters. Switzerland, for instance, has attached to her legation in Washington a tax collector specially commissioned by his Government to collect military taxes not alone from Swiss citizens temporarily residing in the United States but from naturalized Swiss-born American citizens as well. All together there are 13 nations that make essentially the same astonishing claims as Switzerland. Although the United States is by far the greatest sufferer on account of the dual nationality doctrine, the

Department of State has been in a difficult position with regard to the matter; first, because of the lack of a naturalization treaty with Switzerland, and, second, because of the lack of a satisfactory agreement among nations concerning the status and obligations of persons born in one country of parents having the nationality of another.

The United States already has naturalization treaties with Austria, Belgium, Bulgaria, Denmark, Great Britain, Czechoslovakia, Norway, Portugal, Sweden, and a number of countries in the Western Hemisphere. Under these treaties the parties recognize that when one of their natives becomes a citizen of the United States he thereby expatriates himself as a citizen or subject of the country of his birth, and vice versa. But no treaties have as yet been concluded with France, Greece, Italy, Yugoslavia, Latvia, Netherlands, Poland, Persia, Rumania, Russia, Spain, Switzerland, and Turkey. Meanwhile more than 100,000 former Frenchmen, about 100,000 former Greek subjects, nearly 1,000,000 former Italian subjects, approximately 100,000 former citizens of what is now Yugoslavia, about 10,000 former citizens of Latvia and Turkey, about 100,000 former subjects of the Netherlands, about 500,000 former citizens of Poland, more than 50,000 former subjects of Rumania, about 1,000,000 erstwhile subjects of Russia, about 10,000 former subjects of Spain, approximately 100,000 former citizens of the various cantonal governments of the Swiss Federation, and about 4,000 former citizens of the present Turkish Republic are claimed as citizens by two countries. That is to say, there are now in this country in the neighborhood of 3,000,000 fully naturalized American citizens whose allegiance is also claimed by the countries in which they were born. These figures are exclusive of the countless Americans born in the United States of parents who owe allegiance to foreign countries. These native-born Americans are faced with dual nationality, even when their fathers have become American citizens by naturalization.

An interesting case illustrative of dual nationality complications was recently decided by the late Judge Edwin B. Parker, sole commissioner of the Tripartite Claims Commission between the United States and Austria and Hungary. The claimant was born in the United States of Austrian parents who took him back to Austria while still a child. Upon the outbreak of the World War he was subjected to suffering and privation through internment and then impressed into the military service of Austria-Hungary. Under the laws of the United States he was obviously an American national by birth, but under the laws of Austria he was an Austrian by reason of the nationality of his parents. The evidence showed that while residing within the Austro-Hungarian Empire in August, 1914, he was subjected to preventive arrest as a propagandist in favor of Russia and later interned and forced to take the oath of allegiance to the Emperor of Austria and King of Hungary, the authorities ignoring his protestations of American citizenship. In 1915 and subsequently representatives of the United States Government in Austria endeavored unsuccessfully to secure the claimant's release. In July, 1916, he deserted from the Austrian Army and escaped into Russia, where he was held as a prisoner of war until the outbreak of the Kerensky revolution. On the strength of these facts the commissioner ruled that under the law of Austria, to which he had voluntarily subjected himself, he was an Austrian citizen and that "the Austro-Hungarian authorities were well within their rights in dealing with him as such."

The United States is also a party to the Pan American convention of 1906 which undertook to fix the status of naturalized citizens who again take up their residence in the country of their origin. This convention is adhered to by Ecuador, Paraguay, Colombia, Honduras, Panama, Peru, Salvador, Costa Rica, Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, Brazil, and Chile. Many citizenship complications characteristic of our relations with European nations have been avoided through this convention. Its provisions are similar in substance to those of the naturalization treaties.

The United States is, furthermore, entitled to the advantage of the provision contained in the treaties of Versailles, St. Germain, and Trianon, which put an end to the World War and guaranteed the recognition by Germany, Austria, and Hungary of the naturalization of their former nationals in other countries. In view of the fact that France, Italy, and Switzerland are the countries which afford the principal complaints with respect to forced military service and military taxes, to the great annoyance of American citizens of Italian, French, or Swiss origin, no real progress can be made until these countries are willing to adopt the policy which the United States and Great Britain have long since accepted in principle.

The World War served to demonstrate in wholesale fashion the many diverse nationality absurdities by reason of the dual nationality doctrine. Obviously it is unsound to draw a line of distinction between native-born citizens, on the one hand, and naturalized citizens on the other, and for a government to grant certain rights and privileges to the one class of citizens and not to the other. Nevertheless, the international conference of lawyers which met at The Hague last March under the auspices of the League of Nations failed to reach an agreement satisfactory to the United States concerning termination of dual nationality, and the status of naturalized citizens, in spite of the strong pleas put forward by the United States representatives. However, the conference adopted a special convention under which persons born with the nationality of two countries shall, while residing in one of them, be exempt from the performance of military service in the other. It is believed that this convention, the adoption of which was due largely to the arguments of the United States

delegates in the nationality committees, if signed by the United States would benefit thousands of persons born in the United States and continuing to reside in this country.

RECESS

Mr. McNARY. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 31 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 23, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate January 22 (legislative day of January 21), 1931

REGISTER OF THE LAND OFFICE

David Burrell, of Idaho, to be register of the land office at Blackfoot, Idaho, vice Peter G. Johnston, deceased.

PROMOTIONS IN THE ARMY

To be captains

First Lieut. Muir Stephen Fairchild, Air Corps, from January 15, 1931.

First Lieut. James Gradon Taylor, Air Corps, from January 19, 1931.

To be first lieutenants

Second Lieut. Nicholas Joseph Robinson, Infantry, from January 15, 1931.

Second Lieut. John Murphy Willems, Field Artillery, from January 19, 1931.

MEDICAL CORPS

To be major

Capt. Charles Francis Shook, Medical Corps, from January 17, 1931.

CHAPLAIN

To be chaplain with the rank of major

Chaplain Julius Joseph Babst, from January 19, 1931.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 22 (legislative day of January 21), 1931

CONSULS GENERAL

Lucien Memminger to be consul general.

Wilys R. Peck to be consul general.

VICE CONSUL OF CAREER

Shiras Morris, jr., to be vice consul of career.

C. Burke Elbrick to be vice consul of career.

SECRETARIES IN THE DIPLOMATIC SERVICE

Burton Y. Berry to be secretary in the Diplomatic Service.
C. Burke Elbrick to be secretary in the Diplomatic Service.
Warren H. Kelchner to be secretary in the Diplomatic Service.

Shiras Morris, jr., to be secretary in the Diplomatic Service.

Maurice L. Stafford to be secretary in the Diplomatic Service.

George P. Waller to be secretary in the Diplomatic Service.

FOREIGN SERVICE OFFICER, UNCLASSIFIED

Shiras Morris, jr., to be Foreign Service officer, unclassified.

C. Burke Elbrick to be Foreign Service officer, unclassified.

COMMISSIONER OF IMMIGRATION

Luther Weedin to be commissioner of immigration, port of Seattle, Wash.

COAST GUARD

John S. Merriman, jr., to be lieutenant (temporary).

UNITED STATES CIRCUIT JUDGES

J. Whitaker Thompson to be United States circuit judge, third circuit.

William H. Sawtelle to be United States circuit judge, ninth circuit.

JUDGE UNITED STATES CUSTOMS COURT

David H. Kincheloe to be judge United States Customs Court.

UNITED STATES ATTORNEY

Frank Martinez to be United States attorney, district of Porto Rico.

UNITED STATES MARSHAL

Herbert E. L. Toombs to be United States marshal southern district of Texas.

REGISTERS OF THE LAND OFFICE

Albert G. Stubblefield to be register of the land office, Pueblo, Colo.

William Ashley to be register of the land office, Coeur d'Alene, Idaho.

APPOINTMENTS IN THE ARMY

GENERAL OFFICERS

Brice Pursell Disque to be brigadier general, reserve.

Hugh Samuel Johnson to be brigadier general, reserve.

MEDICAL CORPS

To be first lieutenants

Harold Hanson Twitchell. Saunders Murray.

Kenneth George Gould. William Henry Christian, jr.

Richard Love Daniel. Otto Leonard Churney.

Thomas James Hartford. Henry Clay Chenault.

Paul Herbert Martin.

TRANSFER IN THE ARMY

Lieut. Col. Sherman Miles to field artillery.

PROMOTIONS IN THE ARMY

Richard Wilde Walker to be colonel, Cavalry.

Carl Carlton Jones to be colonel, Quartermaster Corps.

William Ducachet Geary to be lieutenant colonel, Field Artillery.

Emil Pehr Pierson to be lieutenant colonel, Cavalry.

Robert Graham Forsythe to be major, Signal Corps.

Orsen Everett Paxton to be major, Infantry.

George Washington Polk, jr., to be captain, Air Corps.

Francis Herron Jack, jr., to be captain, Infantry.

Devereux Maitland Myers to be captain, Air Corps.

Alfred Warrington Marriner to be captain, Air Corps.

Guy Harrison Gale to be captain, Air Corps.

Meredith Cornwell Noble to be first lieutenant, Infantry.

George Henry McManus, jr., to be first lieutenant, Field Artillery.

Leo Francis Kengla, jr., to be first lieutenant, Infantry.

Robert Emmett Burns to be first lieutenant, Signal Corps.

John Amos Hall to be first lieutenant, Infantry.

Donald Janser Bailey to be first lieutenant, Coast Artillery Corps.

Clarence Constantin Olson to be major, Dental Corps.

PROMOTIONS IN THE NAVY

George L. Weyler to be commander.

William H. Hartt, jr., to be lieutenant commander.

Junius L. Cotten to be lieutenant commander.

Christopher C. Miller to be lieutenant commander.

Richard W. Ruble to be lieutenant.

Charles F. Coe to be lieutenant.

Aaron P. Storrs, 3d, to be lieutenant.

Charles J. Zondorak to be lieutenant (junior grade).

Frederick C. Marggraff, jr., to be lieutenant (junior grade).

Milton A. Nation to be lieutenant (junior grade).

Marshall L. Smith to be lieutenant (junior grade).

James J. McKinstry to be assistant paymaster.

Harold P. Richards to be assistant paymaster.

Theodore S. Dukeshire to be assistant paymaster.

Albert B. Corby to be assistant paymaster.

Carl Allen to be chief boatswain.

John L. Hunter to be chief boatswain.

William F. Lewis to be chief boatswain.

Clarence L. Foushee to be chief boatswain.

John F. King to be chief boatswain.

William L. Hickey to be chief boatswain.

John D. Cross to be chief boatswain.

George F. Little to be chief electrician.

Albert J. Smith to be chief radio electrician.

Edwin Hanna to be chief radio electrician.

POSTMASTERS

ALABAMA

Lillie C. Hays, Abbeville.
Margaret E. Stephens, Attalla.
William L. Power, Blountsville.
John M. Stapleton, Foley.
Addie M. Cannon, Mount Vernon.
Thomas F. Adams, Ragland.
John R. Harris, Wadley.

ARKANSAS

William B. Owen, Alma.
Leon E. Tennyson, Arkadelphia.
Hiram S. Irwin, Clarendon.
James S. Burnett, Clinton.
Edgar H. Finch, Crossett.
Dennis M. Lee, Flippin.
Randolph M. Jordan, Fordyce.
William B. Pape, Fort Smith.
George H. Rule, jr., Lonoke.
Robert B. Cox, Prairie Grove.

ARIZONA

Burl A. Willmoth, Wickenburg.

CALIFORNIA

Charles A. Osborn, Atwater.
Alice McNamee, Castroville.
Edward J. Lewis, Compton.
George B. Tantau, Exeter.
Frederick Weik, Glendora.
Frank L. Powell, Lemoore.
Kathleen M. Fleming, Lincoln.
Charles K. Niblack, North Hollywood.
Carrie V. Stoute, Saratoga.
Jessica H. Wright, Sierra Madre.
Emma S. Gillum, Summerland.
Frederick W. Brinker, Temple City.
Grace P. Johnson, Windsor.

COLORADO

Agnes M. Ward, Bennett.
Gerald H. Denio, Eaton.
Frederick H. Leach, Idaho Springs.

CONNECTICUT

William J. Reel, Canaan.
Howard J. Stancliff, jr., New Hartford.
William G. Mock, New Milford.
Hervey W. Wheeler, Newtown.
W. Gardiner Davis, Pomfret Center.
Norman C. Kruer, Shelton.
George L. Benedict, Winsted.
Dorothy S. Phillips, Woodmont.

DELAWARE

Ebe H. Chandler, Dagsboro.

FLORIDA

Charles R. Lee, Clearwater.
Ninnian A. Little, Grand Island.
Herbert E. Ross, Jacksonville.
Mary E. Edwards, Lloyd.
Richard M. Hall, St. Petersburg.
Annie B. Locke, Titusville.
Thomas H. Milton, Trenton.
Benjamin F. Hargis, Umatilla.

GEORGIA

Edward B. Miller, Calhoun.

IDAHO

Louis W. Thrailkill, Boise.
Claude A. McPherson, Wilder.

ILLINOIS

Evelyn E. Weber, Amboy.
Benjamin F. Helfers, Arlington Heights.
Cleo Preston, Arrowsmith.
James H. Truesdale, Bunker Hill.
Merle C. Champion, Byron.

Hanson A. Garner, Chandlerville.
Howard N. Gillespie, Chenoa.
Thomas F. Olsen, De Kalb.
Philip W. Maxeiner, Dorchester.
Henry W. Schwartz, Dupo.
Harry S. Farmer, Farmer City.
Reuben A. Gumbel, Forest City.
Peter H. Conzet, Greenup.
Bertha Harvey, Griggsville.
Walter J. Holt, Hanna City.
Thomas H. Plemon, Jonesboro.
John A. Dausmann, Lebanon.
Mary G. Lawless, Loraine.
Milton G. Hartenbower, Lostant.
Walter W. Ward, Maroa.
Benjamin S. Price, Mount Morris.
John Lawrence, jr., O'Fallon.
Henry E. Farnam, Pawnee.
Robert H. Christen, Pecatonica.
Daisy A. Nieman, Philo.
Lucian D. Lyons, St. David.
Charles L. Tanner, Saunemin.
James W. Maddin, Sheldon.
Hazel M. Riber, South Pekin.
William F. Hemenway, Sycamore.

INDIANA

Charles O. Krise, Auburn.
John N. Wright, Edwardsport.
William A. Carson, Glenwood.
Hattie M. Craw, Jonesboro.
Garrett W. Gossard, Kempton.
Jesse E. Harvey, Markle.
Ralph W. Gaylor, Mishawaka.
Thomas J. Jackson, New Albany.
Earl O. Whitmire, Paoli.
Lee Herr, Tell City.
Orville B. Kilmer, Warsaw.

IOWA

Frank B. Moreland, Ackley.
William G. Wood, Albia.
Anna Reardon, Auburn.
Bertha Zadow, Blencoe.
Jesse A. Barnes, Brooklyn.
Henry C. Haynes, Centerville.
Blinn N. Smith, Coon Rapids.
Charles S. Lewis, Davenport.
John F. Schoof, Denver.
Otto W. Bierkamp, Durant.
Albert R. Kullmer, Dysart.
Benjamin S. Borwey, Eagle Grove.
George F. Monroe, Fairbank.
Charles A. Frisbee, Garner.
Carrie Andersen, Hancock.
Guy A. Whitney, Hubbard.
Smiley B. Hedges, Kellerton.
Albert Lille, Lake View.
George Banger, La Porte City.
Arvin C. Sands, Mallard.
Rush A. Culver, Manly.
Maurice E. Atkins, Milton.
Harry J. Perrin, Monroe.
Oscar J. Houstman, Olin.
Raymond S. Blair, Parkersburg.
Leslie H. Bell, Paullina.
Willis G. Smith, Rock Rapids.
August Rickert, Schleswig.
Baty K. Bradfield, Spirit Lake.
Linn L. Smith, Webb.

KANSAS

Frank H. Hanson, Haddam.
David W. Naill, Herington.
William R. Waring, Hope.
Austin Kimzey, Howard.
Gordon K. Logan, Kirwin.
Joseph A. Trudell, Morganville.

Winifred Hamilton, Solomon.
William A. Walt, Thayer.
Lee Mobley, Weir.
Nettie M. Cox, Wellington.

KENTUCKY

Carey C. Compton, Benham.
Gertrude Stuteville, Bonnieville.
David C. Hopper, Russell Springs.
Thomas H. Hickey, Williamsburg.

LOUISIANA

Howard G. Allen, Dubach.
Edward L. Mire, Laplace.
Edward J. Sower, Norwood.
Leslie M. Hill, Pitkin.
Alexander E. Harding, Slidell.
Myrtle K. Abell, Welsh.

MAINE

Nellie B. Jordan, Cumberland Center.
Wilford E. Slater, Dexter.
Preston N. Burleigh, Houlton.
Cecil E. Sadler, Limerick.
Edward I. Waddell, Presque Isle.
Jessie E. Nottage, Solon.
Robert J. Dyer, Turner.
Harry M. Robinson, Warren.

MARYLAND

H. Vincent Flook, Boonsboro.
Elmer W. Sterling, Church Hill.
Walter W. Flanagan, Deer Park.
George M. Evans, Elkton.
Lawrence M. Taylor, Perryman.
Mary C. Worley, Riverdale.
Charles M. Jones, Rockville.
Howard J. Fehl, Smithsburg.
Ethel V. Van Fossen, Walkersville.
Henry J. Norris, Whiteford.

MASSACHUSETTS

John C. Angus, Andover.
Fred S. Black, Auburn.
Joseph E. Herrick, Beverly.
Lucius E. Estey, Brookfield.
John B. Rose, Chester.
Horace W. Collamore, East Bridgewater.
Charles E. Goodhue, Ipswich.
John H. Baker, Marlboro.
William Stockwell, Maynard.
Annie E. Cronin, North Wilmington.
Robert M. Lowe, Rockport.
Albert Pierce, Salem.
Merton Z. Woodward, Shelburne Falls.
Douglas H. Knowlton, South Hamilton.
Silas D. Reed, Taunton.
Elizabeth M. Pendergast, West Acton.
James F. Healy, Worcester.

MICHIGAN

Adam B. Greenawalt, Cassopolis.
Bert A. Dickerson, Constantine.
Henry Bristow, Flat Rock.
Henry F. Voelker, Ionia.
Etta R. DeMotte, Memphis.
Ira J. Stephens, Mendon.
Ida L. Sherman, Pullman.

MISSISSIPPI

Ella H. Byrd, Parchman.

MISSOURI

Melvin J. Kelley, Annapolis.
Jesse W. Brown, Crane.
William T. Thompson, Eugene.
Clarence Wehrle, Eureka.
Howard H. Morse, Excelsior Springs.
Edward W. Stiegemeier, Gray Summit.
Arden R. Workman, Lockwood.
Lawrence L. Hahn, Marble Hill.

Frank A. Stiles, Rockport.
William H. Roster, St. James.
Emanuel S. Lawbaugh, St. Marys.

MONTANA

Edwin Grafton, Billings.
Robert H. Michaels, Miles City.
Ernest C. Robinson, Wyola.

NEBRASKA

Earl S. Murray, Bloomington.
William H. Willis, Bridgeport.
George T. Tunnick, Burwell.
Kathrene Patrick, Ericson.
Thomas Pierson, Overton.
Roscoe Buck, Springview.

NEW HAMPSHIRE

Lena K. Smith, Lancaster.

NEW JERSEY

Benjamin Elwell, Bridgeton.
Ada E. Holmes, Sayreville.

NEW YORK

George W. Unger, sr., Atlanta.
Wright B. Drumm, Chatham.
Wilbur S. Oles, Delhi.
John L. Mahalish, Hillburn.
William D. Walling, Hudson Falls.
John R. Baldwin, Livingston Manor.
Franklin H. Sheldon, Middleport.
Scott E. Gage, Morris.
Raymond M. Darling, Northport.
Charles W. Nash, Point O'Woods.
William Sanford, Savona.
George F. Hendricks, Sodus.
George Anderson, Thornwood.
Clarence R. Stone, Valley Cottage.
Arthur F. Crandall, Wappingers Falls.
Gertrude M. Ackert, West Park.

NORTH CAROLINA

George M. Baker, Bakersville.
Riley W. King, Candler.
James E. Correll, China Grove.
Walter G. Petree, Danbury.
Mrs. Ezra Wyatt, Hobgood.
Otis P. Brower, Liberty.
Nollie M. Patton, Morganton.
Roy F. Shupp, New Bern.
John L. Dixon, Oriental.
Sion D. Johnson, Pittsboro.
Blanche S. Wilson, Warsaw.
David Smith, Whiteville.

NORTH DAKOTA

Frank W. Lovestrom, Adams.
Ollie M. Burgum, Arthur.
Maude I. Burbeck, Cathay.
Ben Amundson, Coleharbor.
August M. Bruschwein, Driscoll.
Harry M. Pippin, Halliday.
David J. Holt, La Moure.
George T. Elliott, Leonard.
John V. Kuhn, Richardton.
Grace M. Anderson, Selfridge.
Minnie Alexander, Sherwood.

OHIO

Annie Turvey, Amsterdam.
Fern G. Chase, Archbold.
Mabel T. Hunter, Avon Lake.
Herbert Newhard, sr., Carey.
Howard B. Kurtz, Conneaut.
Maude H. Scott, Newcomerstown.
John W. Mathias, New Philadelphia.
Arthur G. Williams, Perrysburg.

OKLAHOMA

William J. Pattison, Collinsville.
Harold W. Amis, Covington.
Lloyd D. Truitt, Helena.
Nellie E. Vincent, Mutual.
Ulysses S. Curry, Newkirk.
Warden F. Rollins, Noble.
William H. McKinley, Pondcreek.
Nora R. Dennis, Sperry.
Thomas B. Fessenger, Wynne Wood.

OREGON

Adam H. Knight, Canby.
Annie S. Clifford, Molalla.

PENNSYLVANIA

Arthur J. Argall, Braddock.
Thomas E. Sheridan, Curwensville.
Samuel B. Daniels, Emlenton.
Isaac W. Edgar, Glenshaw.
Kenneth B. Barnes, Harrisville.
Aleda U. Shumaker, Jerome.
Irvin Y. Baringer, Perkasio.
Ralph P. Holloway, Pottstown.
Henry X. Daugherty, Red Hill.
Ade F. Nichols, Shinglehouse.
Arthur E. Foster, Thompson.
Joseph C. Scowden, Tionesta.
John F. Hawbaker, West Fairview.
George F. Eisenhower, West Lawn.

SOUTH CAROLINA

Walter T. Barron, Fort Mill.
Horace M. Watkins, Ridge Spring.

TENNESSEE

Everett R. Doolittle, Madison.
Mattie S. Luther, Madisonville.
Robert O. Greene, Troy.

TEXAS

William A. Gatlin, Lakeview.
Jason J. Moy, Sourlake.
Hubert D. Boyd, Southland.
John B. Graham, Waxahachie.

UTAH

John E. Chadwick, American Fork.

VERMONT

Frank E. Howe, Bennington.
Lewis S. Richardson, Chester Depot.
Charles F. McKenna, Montpelier.
Orrin H. Jones, Wilmington.

WASHINGTON

Robin A. Runyan, Ariel.
Jesse R. Imus, Chehalis.
Edith M. Lindgren, Cosmopolis.
Mark L. Durrell, Deer Park.
Mabel M. Risedorph, Kent.
Edward Van Dyke, Lake Stevens.
Alfred Polson, Mount Vernon.
Frank S. Clem, Olympia.
William R. Cox, Pasco.
Charles E. Rathbun, Pomeroy.
Marion J. Rood, Richmond Highlands.
Robert E. Gordon, Silverdale.
Alla G. Thomas, Soap Lake.
Selina Laughlin, Vader.

WEST VIRGINIA

E. Chase Bare, Alderson.
Marye H. Cooper, Elbert.
Homer B. Lynch, Gormanania.
Claude W. Harris, Kimball.
Harry R. Adams, Spencer.
Curtis K. Stem, Weirton.

WISCONSIN

William W. Winchester, Amery.
Peter E. Korb, Boyd.
Otto C. Nienas, Camp Douglas.
Grant E. Denison, Carrollville.
Imogene Croghan, Cascade.
John A. Mathys, Casco.
Edwin H. Jost, Cleveland.
Clara M. Johnson, Ettrick.
Ferdinand A. Nierode, Grafton.
William Kotvis, Hillsboro.
Lewis M. Smith, Jefferson.
Gilbert J. Grell, Johnson Creek.
Roland Harpt, Mishicot.
Charles R. Roskie, Montello.
George W. Taft, Necedah.
Charles S. Brent, Oconomowoc.
Orris O. Smith, Pardeeville.
Henry F. Delles, Port Washington.
Elmer E. Haight, Poynette.
David R. Fryklund, Prentice.
Emil Klentz, Reeseville.
Cora L. Schultz, Rio.
Margaret E. Glassow, Schofield.
Otto A. Olson, Star Prairie.
Hilary L. Haessly, Theresa.
Hall L. Brooks, Tomahawk.
Oscar C. Wertheimer, Watertown.

WITHDRAWAL

Executive nomination withdrawn from the Senate January 22 (legislative day of January 21), 1931

John S. Jennings to be postmaster at St. George in the State of South Carolina.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 22, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the Vine and the Wonder, keep us this day in the folds of peace and cooperation. Stimulate us with lofty thoughts that neither harsh tongue nor rash judgments shall prevail or disturb. The cloud of resentment, may it not darken our brows; the song of hate, may it not fall from our lips; the scrofula of unchastity, may it not nurse in our bosoms. Blessed Lord, take us and shield us, and if unworthy rebuke us; if our aims are low challenge them and spare us from the regretful way that ends in failure. When our own little earth breaks up, let the heavens open. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 14675. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5776. An act to provide for the advance planning and regulated construction of public works, for the stabilization of industry, and for aiding in the prevention of unemployment during periods of business depression; and